

Exeter Plan

Representations in response to Regulation 19 consultation

In policies order

September 2025

Exeter City Council
Civic Centre
Paris Street
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Contents

	Page
<u>General/whole plan</u>	4
<u>1: Explaining the Exeter Plan</u>	73
<u>2: Ancient City – ambitious future</u>	77
<u>3: This is our city, this is our future</u>	79
<u>4: Spatial strategy</u>	87
<u>S1: Spatial strategy (Strategic policy)</u>	89
<u>S2: Liveable Exeter Principles (Strategic policy)</u>	150
<u>5: Climate change</u>	166
<u>CC1: Net zero Exeter (Strategic policy)</u>	171
<u>CC2: Renewable and low carbon energy (Strategic policy)</u>	194
<u>CC3: Local energy networks (Strategic policy)</u>	200
<u>CC4: Ground-mounted photovoltaic arrays</u>	221
<u>CC5: Future development standards (Strategic policy)</u>	228
<u>CC6: Embodied carbon</u>	244
<u>CC7: Development that is adaptive and resilient to climate change</u>	256
<u>CC8: Flood risk (Strategic policy)</u>	269
<u>CC9: Water quantity and quality</u>	283
<u>6: Homes</u>	298
<u>H1: Housing requirement (Strategic policy)</u>	302
<u>H2: Housing allocations and windfalls (Strategic policy)</u>	334
<u>H3: Regeneration opportunity areas (Strategic policy)</u>	492
<u>H4: Affordable housing (Strategic policy)</u>	514
<u>H5: Build to rent</u>	542
<u>H6: Co-living housing</u>	547
<u>H7: Custom and self-build housing</u>	573
<u>H8: Homes for older people</u>	585
<u>H9: Supported housing</u>	588
<u>H10: Purpose built student accommodation</u>	593
<u>H11: Gypsy and Traveller accommodation</u>	611
<u>H12: Residential conversions and houses in multiple occupation</u>	622
<u>H13: Loss of residential accommodation</u>	623
<u>H14: Accessible homes</u>	624
<u>H15: Housing density and size mix (Strategic policy)</u>	632

<u>H16: Residential amenity and healthy homes</u>	635
<u>7: Economy and jobs</u>	641
<u>EJ1: Economic growth (Strategic policy)</u>	649
<u>EJ2: Retention of employment land (Strategic policy)</u>	662
<u>EJ3: New forms of employment provision (Strategic policy)</u>	670
<u>EJ4: Access to jobs and skills</u>	681
<u>EJ5: Provision of local services in employment areas</u>	No representations received
<u>EJ6: New transformational employment allocations (Strategic policy)</u>	682
<u>8: Retail and the future of our centre</u>	689
<u>RFC1: The future of our centres (Strategic policy)</u>	690
<u>RFC2: Development in, and affecting, our centres (Strategic policy)</u>	696
<u>9: Sustainable transport and communications</u>	706
<u>STC1: Sustainable movement (Strategic policy)</u>	711
<u>STC2: The transport hierarchy (Strategic policy)</u>	727
<u>STC3: Supporting active travel (Strategic policy)</u>	737
<u>STC4: Supporting public transport (Strategic policy)</u>	753
<u>STC5: Supporting more sustainable forms of car use</u>	769
<u>STC6: Travel Plans</u>	772
<u>STC7: Safeguarding transport infrastructure (Strategic policy)</u>	775
<u>STC8: Motorway service area (Strategic policy)</u>	777
<u>STC9: Digital communications (Strategic policy)</u>	779
<u>10: Natural environment</u>	785
<u>NE1: Landscape setting areas (Strategic policy)</u>	789
<u>NE2: Valley Parks (Strategic policy)</u>	838
<u>NE3: Biodiversity (Strategic policy)</u>	849
<u>NE4: Green infrastructure (Strategic policy)</u>	864
<u>NE5: Green circle</u>	870
<u>NE6: Urban greening factor</u>	873
<u>NE7: Urban tree canopy cover</u>	884
<u>11: History and heritage</u>	894
<u>HH1: Conserving and enhancing heritage assets (Strategic policy)</u>	899
<u>HH2: Conservation Areas (Strategic policy)</u>	906
<u>HH3: Archaeology</u>	907
<u>HH4: Heritage assets and climate change</u>	911
<u>HH5: Conserving and enhancing Exeter City Walls</u>	914
<u>12: Culture and tourism</u>	921
<u>C1: Protecting and enhancing cultural and tourism facilities (Strategic policy)</u>	923
<u>C2: Development and cultural provision (Strategic policy)</u>	924
<u>13: High quality places and design</u>	929
<u>D1: Design principles (Strategic policy)</u>	931
<u>D2: Designing-out crime</u>	939

<u>D3: Advertisements</u>	940
<u>14: Health and wellbeing</u>	943
<u>HW1: Health and wellbeing (Strategic policy)</u>	945
<u>HW2: Environmental quality, pollution and contaminated land</u>	959
<u>15: Infrastructure and facilities</u>	966
<u>IF1: Delivery of infrastructure (Strategic policy)</u>	968
<u>IF2: Viability (Strategic policy)</u>	976
<u>IF3: Community facilities (Strategic policy)</u>	1002
<u>IF4: Open space, play areas, allotments and sport</u>	1013
<u>IF5: New cemetery provision</u>	1038
<u>16: Site allocations</u>	1041
<u>SBA1: Water Lane (Strategic policy)</u>	1048
<u>SBA2: East Gate (Strategic policy)</u>	1064
<u>SBA3: Red Cow (Strategic policy)</u>	1082
<u>SBA4: Exe Bridges Retail Park (Strategic policy)</u>	1092
<u>SBA5: South Gate (Strategic policy)</u>	1098
<u>TI1: Topsham Infrastructure Delivery Framework (Strategic policy)</u>	1104
<u>17: Monitoring and implementation</u>	1110
 <u>Policies map</u>	1122
 <u>Key diagram</u>	1189
 <u>Appendix A – The green infrastructure spatial framework</u>	1192
 <u>Glossary</u>	1195
 Evidence base	
<u>Evidence: HIA 2024</u>	1196
<u>Evidence: HRA</u>	1201
<u>Evidence: IDP 2024</u>	1207
<u>Evidence: Local Plan Viability Assessment 2024</u>	1229
<u>Evidence: SA</u>	1231
<u>Evidence: SFRA2</u>	1244
<u>Evidence: Views, Density and Heights Study 2024</u>	1246

Ref: A-01-00-X

Representor: Devon County Council

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: Overall, Devon County Council views the plan to be sound, legally compliant and to comply with the duty to cooperate. The county council continues to be broadly supportive of the emerging Exeter Plan: Publication Plan. The county council has been in ongoing discussions with Exeter City Council with regard to strategic issues relating to infrastructure provision, transport, education, children's and adult services, mineral and waste planning, economy, flood risk, historic environment, public health and community facilities. This positive and proactive approach has addressed a number of issues prior to reaching this stage of the plan.

The county council does however have a number of detailed comments to make on strategic issues relating to education, adult social care and gypsy and traveller provision and these comments regarding the specific policies, paragraphs and site options are shown in the table in Appendix 1 below. Linked to these comments, we also would like to make comments on the December 2024 version of the Infrastructure Delivery Plan which forms part of the evidence base. These comments are shown in the table in Appendix 2 below.

[bold] Other areas of consideration [bold]

Devon County Council has been involved in detailed discussions with Exeter City Council during each stage of the plan process and has been fully engaged in communicating our needs and views in the following issues relating to the county council's functions:

- Infrastructure provision;
- Children's and adult services;
- Flood risk;
- Minerals and waste;
- Economy;
- Historic environment; and
- Public health.

It is considered that matters relating to the above issues have been addressed and the county council has no further comments to make.

Modifications: -

Requested to attend examination?: -

Ref: B-01-00-X

Representor: Devon and Cornwall Police

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: [Conclusion]

There is clear national and local policy and appeal decisions in support for the need for police infrastructure and facilities.

The proposed policies in the Exeter Plan should be modified to ensure there is sufficient regard to the provision of police infrastructure and facilities and funding resources through Section 106 contributions/CIL.

Modifications: [...] The proposed policies in the Exeter Plan should be modified to ensure there is sufficient regard to the provision of police infrastructure and facilities and funding resources through Section 106 contributions/CIL.

Requested to attend examination?: -

Ref: B-02-00-X

Representor: Environment Agency

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Thank you for consulting us on the above Plan. 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.

Please find below our formal response;

[...]

Further comments:

Thankyou for the opportunity to comment on this Plan. We consider there is still work to be undertaken on the evidence base in relation to some allocated sites and the SFRA2 to direct plan preparation to ensure the plan meets the tests of soundness in relation to flood risk but we consider this can be overcome. We will be pleased to continue to work with you on this.

Modifications: -

Requested to attend examination?: -

Ref: B-03-00-X

Representor: Historic England

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Thank you for consulting Historic England on the pre-submission (Regulation 19) Exeter Plan, Sustainability Appraisal and associated evidence base documents. As the Government's adviser for the historic environment, we are keen to ensure that conservation and enhancement of heritage assets are taken into account in the preparation of this important Plan.

Paragraph 203 of the National Planning Policy Framework (NPPF) explains that plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. NPPF paragraph 16(d) states that plans should 'contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals'. Overall, subject to a number of modifications that we have requested in this response, we consider that the Exeter Plan would represent a positive strategy Exeter's rich historic environment. We would be pleased to work with the Council to resolve outstanding heritage issues through a Statement of Common Ground and/or attendance at the Local Plan Examination if necessary.

Modifications: -

Requested to attend examination?: -

Ref: B-04-00-X

Representor: National Grid Electricity Distribution

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: These representations are prepared on behalf of National Grid Electricity Distribution (South West) Plc (NGED) (formerly Western Power Distribution (South West) Plc), in response to the Exeter Local Plan 2021-2041, which is subject to public consultation.

[bold] Introduction [bold]

NGED owns and is responsible for electrical distribution apparatus within the area subject to this Local Plan and is the licensed network operator with statutory duties and powers including compulsory purchase powers.

In preparing development plans, local planning authorities (LPA) have a duty to safeguard the operation of National Grid's infrastructure to enable NGED to supply electricity in the most efficient and cost effective manner. In the majority of cases this will involve retention of the existing infrastructure in situ, including overhead power lines and pylons.

[bold] Towards Net Zero [bold]

The Government is committed to achieve net zero by 2050. The shift towards electricity to heat our homes and power our cars is critical to achieving this goal and the National Grid is playing a crucial role in meeting this commitment by increasing capacity to meet the growing demand for electricity.

Our network investment planning process is the strategic approach we are taking to investing in our network, ensuring that it can meet future demand in the right place, at the right time while ensuring good value for money for customers.

[Figure]

To ensure that we can provide the network you need from us, your projects need to be included in our Distribution Future Energy Scenarios. We use this information to predict the future requirements on our network and decide when and where to invest in the network. This ensures that our strategic network planning provides sufficient network capacity as the country transitions to net zero.

We ask Local Authorities about their future plans, including information in your Local Plan annually (normally in May/June). This will inform our future forecasts down to Electricity Supply Area level ensuring we can connect

new developments in 5 years and beyond.

NGED strongly recommends that local planning authorities ensure that they feed into the Distribution Futures Energy Scenario process by emailing nged.energyplanning@nationalgrid.co.uk and that you contact them at the earliest possible opportunity for confirmation of the National Grid's capacity to accommodate planned growth in their area. If capacity is limited, LPAs should explore alternative locations for growth which may be less constrained or allocate land, in consultation with NGED, to accommodate a new sub-station. NGED should also be involved in the masterplanning of any development allocation which includes a large sub-station.

[bold] 132kV Overhead Lines [bold]

Where diversion and/or undergrounding of overhead lines is deemed necessary to enable the development of a proposed allocation, lower voltage lines (up to 33kV) supported by wooden poles can normally be undergrounded or diverted without significant concern. However, where land allocations affect lines supported by steel lattice towers, particularly 132kV, the LPA are advised to engage with NGED at the earliest opportunity in the plan-making process to confirm:

- a) whether the lines can be accommodated within the development site; or
- b) the viability and feasibility of diverting and/or undergrounding overhead lines.

This includes, where relevant, ensuring the agreement of third party landowners to the provision of new infrastructure on their land and subsequent agreement between the LPA and NGED to appropriate wording within the allocation policy.

In allocating land affected by high voltage power lines, the LPA should take into account the additional costs involved in their diversion and/or undergrounding, the need for additional new infrastructure and its visual impact, including larger terminal towers at either end of an undergrounded line, and the potential impact on timescales for delivery of the development.

LPAs should also be aware that where high voltage electricity lines are undergrounded National Grid is unable to support any development which could affect the operation of or obstruct the line, including buildings, tree planting, public highway or attenuation features. A 10m wide corridor of open ground is required above the undergrounded cables. Accordingly, the retention of overhead lines in situ provides greater opportunities to deliver an efficient and effective masterplan, with the potential to deliver a range of uses beneath the lines including green infrastructure, public highway, drainage features and some biodiversity net gain measures.

NGED cannot be held accountable for the absence of a planned solution for a proposed diversion route or undergrounding of an overhead power line or any subsequent reduction in the allocation site's development capacity, where the LPA and/or developer/landowner has not agreed proposals with NGED prior to the adoption of the Local Plan.

[bold] National Grid Capacity [bold]

In light of the above, NGED requires LPAs to make early enquiries to ensure the National Grid has sufficient capacity to accommodate planned growth. If electricity capacity is limited, the LPA should engage with NGED to ascertain whether a new sub-station can be introduced to increase capacity and if so, where this should be located. Land should be safeguarded for the sub-station through the Local Plan. The timescales for delivery of a new sub-station and the implications for occupation of new homes should be taken into account in preparing the

LPA's housing trajectory.

[bold] Summary [bold]

NGED does not object to the allocation of land upon which its infrastructure is present, however, in the context of the Government's commitment to reach Net Zero by 2050 and the role which National Grid has to play in delivering significant new infrastructure to meet existing and future energy demands, all reasonable efforts should be made by LPAs and developers to safeguard to retain the existing grid infrastructure and the associated embodied carbon.

In preparing Local Plans, LPAs should take the following steps:

1. Ensure your Local Authority is responding annually to our Distribution Future Energy Scenario questionnaire that is sent out via Regen.
2. Contact NGED as early as possible in the Plan making process to establish whether capacity exists in the grid to accommodate planned development.
3. Where land is allocated, priority should be given to retention of high voltage overhead lines wherever possible, with design principles included within the allocation policy to safeguard the retained lines and incorporate sensitively into the development, whilst achieving high standards of design and an efficient use of land.
4. Where necessary, early engagement with NGED to establish whether its infrastructure can be accommodated within the development or whether diversion/undergrounding is feasible;
5. Where diversion/undergrounding is required, ongoing dialogue with NGED to agree a potential route prior to adoption of the Local Plan, as outlined above.
6. For strategic allocations and sites significantly affected by overhead lines (e.g. with 5 or more pylons on site), NGED recommends early masterplanning and the preparation of Supplementary Planning Documents to demonstrate site capacity and establish principles for the retention/diversion or undergrounding of overhead lines and safeguarding of land to accommodate new sub-stations, where necessary, with the agreement of NGED.

Modifications: -

Requested to attend examination?: -

Ref: B-05-00-X

Representor: National Grid Electricity Transmission

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: National Grid Electricity Transmission has appointed Avison Young to review and respond to local planning authority Development Plan Document consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

[bold] About National Grid Electricity Transmission [bold]

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators, so it can reach homes and businesses.

National Grid no longer owns or operates the high-pressure gas transmission system across the UK. This is the responsibility of National Gas Transmission, which is a separate entity and must be consulted independently. National Grid Ventures (NGV) develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States. NGV is separate from National Grid's core regulated businesses. Please also consult with NGV separately from NGET.

[...]

[bold] Further Advice [bold]

NGET is happy to provide advice and guidance to the Council concerning their networks. Please see attached information outlining further guidance on development close to National Grid assets.

If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, NGET wishes to be involved in the preparation, alteration and review of plans and strategies which may affect their assets. Please remember to consult NGET on any Development Plan Document (DPD) or site-specific proposals that could affect our assets.

Modifications: -

Requested to attend examination?: -

Ref: B-06-00-X

Representor: National Highways

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: [bold] The Exeter Plan – Regulation 19 Consultation Draft (December 2024) [bold]

Further to the publishing of the Regulation 19 Consultation Draft of The Exeter Plan 2021-2041 on 12 December 2024, National Highways write to provide comments relating to the soundness of the Publication Plan, and to make recommendations for areas in which the plan and associated policies should be strengthened from the perspective of protecting the Strategic Road Network (SRN).

The advice set out in this letter should be read alongside the Standard Representation Form that provides for the formal logging of National Highways' comments to this consultation.

On behalf of the Secretary of State for Transport, National Highways is responsible for operating, maintaining and improving the Strategic Road Network (SRN). Our approach and input to plan making is specified by Department for Transport (DfT) Circular 01/22 'Strategic road network and the delivery of sustainable development'.

[bold] The Strategic Road Network [bold]

Locally, the SRN comprises the M5 motorway and the A30 and A38 Trunk Roads, with the M5 forming the eastern boundary of the City of Exeter, and the A38 forming the south-western boundary. M5 Junctions 29 (J29) and 30 (J30) are located on the boundary between the Exeter City Council authority area and that of the neighbouring East Devon District Council.

The A30 Ide roundabout is located on the boundary between Exeter and the neighbouring Teignbridge District Council authority area. A short distance to the south of the Exeter authority area, Junction 31 (J31) of the M5 forms a key interchange between the motorway and Trunk Road networks, catering for journeys into Teignbridge and West Devon via the A38 and A30 respectively, and for longer distance journeys towards Cornwall. The A38 Peamore junction is located around 1.5 kilometres south of M5 J31 and provides access to the A379, a key route into Exeter from the south. Around two kilometres east of M5 J29 and the Exeter authority area, the A30 Airport junction provides access to Exeter Airport and the neighbouring Exeter & East Devon Enterprise Zone which includes Exeter Science Park and the growing Cranbrook New Community.

The section of the M5 that forms the eastern boundary of Exeter is characterised by high traffic demands, particularly during commuter periods, along with Bank Holiday and Summer periods when the SRN is used for wider access to the Devon and Cornwall peninsula for leisure and tourism. The operation of the SRN junctions

around Exeter can be closely linked to capacity constraints on the local highway network. This was evidenced in transport modelling work for the A30 Ide roundabout undertaken by Teignbridge District Council to support Examination of their own Local Plan, and is equally relevant for M5 J29 and J30.

The Plan highlights that Exeter has the second largest travel to work area in England, with a Functional Economic Market Area (FEMA) consisting of Exeter, East Devon, Mid Devon and Teignbridge. Whilst bus and rail services are available from some areas, with an expanding network of suburban rail stations within Exeter, the SRN is used for vehicular access to the city from the wider FEMA. National Highways will work with Exeter City Council and the wider FEMA authorities to enable future growth, but the challenge will be to maintain a suitable balance between competing travel demands without adversely impacting the safe and efficient operation of the SRN junction.

[bold] Policy Context [bold]

National Highways input to the Local Plan process is guided by the National Planning Policy Framework (NPPF) and DfT Circular 01/2022.

Paragraph 26 of the NPPF advises that *“Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere”*. *National Highways continues to be engaged with Exeter City Council, neighbouring planning authorities and Devon County Council regarding the preparation of a Greater Exeter Transport Strategy to underpin planned growth. Traffic modelling evidence submitted in support of the Exeter Plan has been developed in consultation with National Highways, and we are continuing to undertake our own operational assessment work for selected SRN junctions to consider the potential cumulative impacts of growth across the Greater Exeter area.*

The NPPF prescribes that transport issues should be considered from the earliest stages of plan-making and development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places. Nevertheless, potential significant impacts on the transport network may require highway infrastructure improvements, with the DfT Circular 01/2022 making it clear that *“The policies and allocations that result from plan-making must not compromise the SRN’s prime function to enable the long-distance movement of people and goods”*.

Paragraph 29 of the Circular goes on to advise the following in respect of the identification of infrastructure requirements:

New connections and capacity enhancements to the SRN which are necessary to deliver strategic growth should be identified as part of the plan-making process, as this provides the best opportunity to consider the cumulative impacts of development (including planned growth in adjoining authorities) and to identify appropriate mechanisms for the delivery of strategic highway infrastructure. However, there cannot be any presumption that such infrastructure will be funded through a future RIS. The company will therefore work with local authorities in their strategic policy-making functions in identifying realistic alternative funding mechanisms, to include other public funding programmes and developer contribution strategies to be secured by a policy in a local plan or spatial development strategy.

In line with the vision-led planning approach now enshrined in national policy, Paragraph 33 of the Circular advises that, *“...The company can review measures that would help to avoid or significantly reduce the need for additional infrastructure on the SRN where development can be delivered through identified*

improvements to the local transport network, to include infrastructure that promotes walking, wheeling, cycling, public transport and shared travel. A robust evidence-base will be required, including demand forecasting models, which inform analysis of alternatives by accounting for the effects of possible mitigation scenarios that shift demand into less carbon intensive forms of travel”.*[italic]*

Work to date on the emerging Greater Exeter Transport Strategy has informed the current Infrastructure Delivery Plan (IDP) (dated December 2024) for the Exeter Plan. However, it is critical that the continuation of this work also informs the future review and update of the Exeter Plan and supporting infrastructure needs, to ensure that the identified level of growth can be realised without significant adverse impacts. Paragraph 34 of the DfT Circular advises that, *[italic]* “The company’s engagement with plan-making will help inform the preparation of the local authority infrastructure delivery evidence base. From a transport perspective, this evidence should provide a means of demonstrating to the examining inspector, development industry and local communities that planned growth is deliverable, and that the funding, partners and relevant processes are in place to enable the delivery of infrastructure; or that there is a realistic prospect that longer term investment can be secured within the timescales envisaged.*[italic]*

[bold] Previous Responses and Ongoing Consultations [bold]

National Highways has provided comments on previous draft versions of The Exeter Plan and this response seeks only to build upon previous comments and provide an update on our position in light of ongoing work with the stakeholder authorities.

A significant level of development is proposed within the emerging Local Plans for the authorities that make up the Exeter FEMA, with the potential to impact upon the safe and efficient operation of the M5, A30 and A38 Trunk Roads. The Plan makes reference to ongoing traffic modelling work to assess the combined impacts of planned growth. The work will underpin the Greater Exeter Transport Strategy and Local Plan delivery for the partner authorities. National Highways continues to be a key stakeholder in this process and is contributing its own modelling for the SRN using a microsimulation model of the M5 and A30. We welcome this effective and on-going joint-working to support the production of a positively prepared and justified strategy. However, it is important to note that this work is ongoing and still to be completed.

The Greater Exeter Transport Strategy will include a range of service and infrastructure improvements to promote non-car travel. It is critical that this is forward-looking to the ‘Vision’ for future transport as outlined by central government and interpreted locally through the Local Plans. Following the agreement of measures and their effectiveness, a robust funding and delivery strategy will need to be identified and incorporated into the IDPs for partner authorities which may necessitate updates to the Exeter City Council IDP. There remains a risk that improvements to the SRN or neighbouring local highway junctions could be required to address the residual cumulative impacts of planned growth.

Evidence of modelled traffic flows associated with the Exeter Local Plan indicates that there will be material demand for travel through M5 J30. The traffic flow diagrams included within Appendix D of the Greater Exeter Further Modelling Technical Note show that movements generated by Exeter Local Plan allocations will be in the order of 600 vehicles in both the AM and PM peak hours at M5 J30. In the AM peak hour, the modelling work suggests that around 200 extra vehicle trips will use the M5 northbound off-slip. In the PM peak, the majority of extra trips approach the junction from the A379.

We have explored these traffic flow increases with Devon County Council and provide further commentary in subsequent sections relating to Housing and Economy & Jobs. The same traffic flow diagrams also show increases at M5 J29 and J31, along with the A30 Ide roundabout. Growth within the Exeter Plan is indicated to

add around 350 vehicle trips to M5 J31 in the AM and PM peak hours, around 200 trips to the A30 Ide roundabout, and 200-300 vehicle trips to M5 J29. Whilst some trips will be travelling to planned development within neighbouring districts, limiting the scale of cumulative growth across the wider area, the forecasts highlight the general uplift in traffic demand across the Exeter travel to work area.

Modifications: -

Requested to attend examination?: -

Ref: B-08-00-X

Representor: Network Rail

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, stations, signalling systems, bridges, tunnels, level crossings and viaducts. The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail's infrastructure.

We trust these comments will be useful in the preparation of the forthcoming plan documents.

Modifications: -

Requested to attend examination?: -

Ref: B-09-00-X

Representor: NHS Devon ICB

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: NHS Devon ICB have reviewed the regulation 19 plans and believe that our input to the local plan process has been considered.

We would like to thank the council for the engagement with the ICB to consider access to primary care services as part of the plan.

Modifications: -

Requested to attend examination?: -

Ref: B-10-00-X

Representor: South West Water

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The recognition of the critical need for development to be adaptable and resilient to climate change is a fundamental issue that has been incorporated into the proposed Local Plan. In terms of the considerations highlighted within SWWs previously submitted comments under the Regulation 18 consultation, the proposed plan incorporates measures both for managing/mitigating climate related changes to water consumption behaviours (Water efficiency standards, Urban Greening Factor, increasing tree canopy cover, etc.), and managing surface water sustainably and effectively. In terms of these highlighted material planning considerations, SWW advise the proposed Local Plan is sound.

[...]

In terms of liaising and cooperating with the Statutory Water & Sewerage Undertaker on water and drainage material planning considerations, South West Water consider Exeter City Council to have fulfilled its Duty to Cooperate.

Modifications: -

Requested to attend examination?: No

Ref: B-11-00-X

Representor: Sport England

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Sport England is the Government agency responsible for delivering the Government's sporting objectives. Maximising the investment into sport and recreation through the land use planning system is one of our priorities. You will also be aware that [bold] Sport England (since 1996) is a statutory consultee on planning applications affecting playing fields. [bold]

Sport England Strategy [italic] 'Uniting The Movement' [italic] (2022-32) identifies key changes in the delivery of the strategy:

- A 10 year vision to transform lives and communities through sport and physical activity.
- We believe sport and physical activity has a big role to play in improving the physical and mental health of the nation, supporting the economy, reconnecting communities and rebuilding a stronger society for all.
- Our five big issues are where we see the greatest potential for preventing and tackling inequalities in sport and physical activity. Each one is a building block that, on its own, would make a difference, but together, could change things profoundly:
 - o Recover and reinvent
 - o Connecting communities
 - o Positive experiences for children and young people
 - o Connecting with health and wellbeing
 - o [bold] Active environments [bold]

[underline] The Aims the emerging Local Plan of a liveable city, good design and protect valued open space have considerable synergy with delivering [bold] Active Environments.[bold] [underline]

Sport England has assessed this consultation in the light of Sport England's [bold] Planning for Sport: Forward Planning [bold] guidance link here [embedded link: <https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport>]

The overall thrust of the statement is that a planned approach to the provision of facilities and opportunities for sport is necessary, new sports facilities should be fit for purpose, and they should be available for community sport. To achieve this, our objectives are to:

[bold] PROTECT [bold] sports facilities from loss as a result of redevelopment

[bold] ENHANCE [bold] existing facilities through improving their quality, accessibility and management

[bold] PROVIDE [bold] new facilities that are fit for purpose to meet demands for participation now and in the

future.

Sport England believes that sport has an important role in modern society and in creating sustainable and healthy communities. Sport and physical activity is high on the Government's national agenda as it cuts across a number of current topics that include health, social inclusion, regeneration and anti social behaviour. The importance of sport should be recognised as a key component of development plans, and not considered in isolation.

The following comments are provided within the context of:

- The National Planning Policy Framework (2024).
- Sport England's Planning for Sport webpages (2025).

Modifications: -

Requested to attend examination?: -

Ref: C-01-00-X

Representor: 1 Energy (Exeter Energy Limited)

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: Bell Cornwell LLP act as town planning consultants on behalf of 1Energy who have submitted an application for an energy centre at Grace Road, Marsh Barton.

We and have been instructed to review the plan and consider that it is [bold/underline]] not [bold/underline] legally compliant or meets the tests of soundness for the following reasons. We also set out what modifications we consider are required to make the plan legally compliant and suggest revised wording.

Modifications: -

Requested to attend examination?: Yes

Ref: C-03-00-X

Representor: Anne Codner

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: This Representation is made in response to the consultation on the Exeter Local Plan 'Publication Plan: Regulation 19', and is submitted by Savills on behalf of Anne Codner who has an interest in land at Heavitree, known as the 'former Bramdean School Playing Fields'.

This site has been assessed as part of the Council's Housing and Economic Land Availability Assessment (HELAA) process under site reference '148 - Land opposite 51 Homefield Road'. A copy of the HELAA assessment for the site which contains the site location plan is attached at [bold] Appendix 1 [bold] for reference.

Our comments on this consultation and supporting evidence base are set out below and are made in accordance with paragraph 36 of the revised NPPF (e.g. that they are positively prepared, justified, effective and consistent with national policy), to assist in ensuring that the Local Plan is found sound when examined in the future. However, in its current form, we do not consider that the Local Plan is sound, and should not therefore progress to submission without amendment.

Where required, these representations propose the necessary amendments to enable the Plan to be found sound. For some of the draft policies, revised text has been included, where red strikethrough text indicates a deletion and green underlined text indicates a proposed addition. All other text in quotations is original.

[bold] Conclusion [bold]

We welcome the Council's decision to progress with the Local Plan given the government's objective to significantly boost housing delivery.

However, we have objections to a number of the draft policies in the plan and our representations have outlined where changes are required to either the draft plan or supporting evidence to ensure the soundness of the plan.

Fundamentally, we object to the inclusion of the Land opposite 51 Homefield Road (site reference 148) within a draft designation for open space and recreation under draft Policy IF4. Our response to draft Policy IF4 explains why it is no longer appropriate, nor justified, to continue to designate the site as open space and recreation.

Our response to draft Policy H2 explains why the site is instead well placed to accommodate future housing and should therefore be allocated in the plan. For the reasons outlined in these representations we urge the Council to plan positively, allocate additional sites for housing, and as part of that to specifically allocate the Land opposite 51 Homefield Road for residential development.

We hope that these comments will be helpful in positively creating the New Local Plan for Exeter. We would of course be very happy to assist further with any queries relating to the Land opposite 51 Homefield Road, particularly in acknowledging the specific circumstances of the site.

Modifications: -

Requested to attend examination?: -

Ref: C-04-00-X

Representor: Blocwork

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Introduction

This submission has been prepared in response to the Publication Draft Exeter Local Plan which is subject to public consultation as part of preparing a new Development Plan. The response is prepared on behalf of our client, Blocwork, which comprises Network Rail's joint venture with the bloc Group.

The submission focuses on the enhancement of St Davids Station and its surroundings, which falls within the area known as Red Cow Village (policy ref. SBA3) which comprises one of the allocated strategic brownfield sites identified in the Local Plan.

Blocwork control a proportion of the land within the wider Red Cow Village area and are supportive of the proposed allocation of the land in their control. They are exploring plans to redevelop this area for a residential led mixed use development and will hopefully come forward with more detailed plan within 2025.

Blocwork welcomes and supports the continuing progress made by the Council in preparing a new Local Plan for Exeter and hopes the comments contained within these representations are helpful in progressing it to adoption.

These representations have been prepared having regard to the requirements of paragraph 36 of the National Planning Policy Framework (NPPF) which requires plans to be 'sound' in terms of being positively prepared, justified, effective and consistent with national planning policy.

These representations should be read alongside those previously submitted by Bloc to the Full Draft Exeter Local Plan in December 2023.

[...]

Summary

On the whole, Blocwork is supportive of the direction of the draft Plan. However, it is important that the emerging policy requirements do not constrain growth and looks to support development of the strategic mixed use allocations subject of regeneration ambitions in particular.

I trust careful consideration will be given to these representations.

Modifications: -

Requested to attend examination?: Yes

Ref: C-07-00-X

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: ROK Planning have been instructed to make representations in respect of Exeter City Council's ('the Council') The Exeter Plan Final Draft Consultation (Regulation 19), on behalf of our client Chex Developments Limited C/O Zinc RE UK Limited ('the Client'). Public consultation is open from 12 December 2024 to 6 February 2025.

These representations follow on from our previous representations on behalf of the Client to the Outline Draft Consultation in December 2022 and the Full Draft Consultation in January 2024.

The Client's representations to the Final Draft consultation are focused on the following policies, site allocation and evidence base documents:

- Policy S2 – Liveable Exeter Principles
- CC3 – Local energy networks
- CC4 – Ground-mounted photovoltaic arrays
- Policy H2 – Housing allocations and windfalls
- Policy H3 – Regeneration opportunity areas
- Policy H10 – Purpose built student accommodation
- Policy EJ2 – Retention of employment land
- Policy STC3 – Supporting active travel
- Policy STC4 – Supporting public transport
- Policy NE6 – UGF
- Policy NE7 – Urban tree canopy cover
- Policy HH1 – Conserving and enhancing heritage assets
- Policy C2 – Development and cultural provision
- HW1 – Health and wellbeing
- Policy HW2 – Environmental quality, pollution and contaminated land
- Policy IF3 – Community facilities
- Policy IF4 – Open space, play areas, allotments and sport
- Strategic mixed use brownfield allocation: SBA2 - East Gate
- Evidence Base Documents:
 - o Heritage Impact Assessment of potential development sites dated 2024
 - o Views, Density and Heights Study prepared by Allies and Morrison dated December 2024

The comments are set out under these section headings below.

[bold] Conclusion [bold]

In conclusion, on behalf of the Client we have made a number of comments on the Final Draft Exeter Plan as part of the public consultation that is running until 6th February 2025. These comments focus on a number of policies, the East Gate site allocation and the two heritage related documents from the evidence base.

Modifications: -

Requested to attend examination?: -

Ref: C-10-00-X

Representor: Costco Wholesale UK Limited

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: This representation is submitted by Firstplan on behalf of [bold] Costco Wholesale UK Limited ('Costco'), [bold] who operate a number of wholesale membership clubs throughout the country, which are typically located on employment / industrial land.

On behalf of our client, we have submitted representations to two previous consultations which have been published by the City Council in respect of the new Exeter Local Plan, namely the 'Draft Outline Consultation 2022' (representations submitted December 2022) and the Reg.18 'Full Draft Consultation 2023' (representations submitted January 2024). We now welcome the opportunity to submit representations to the Regulation 19 draft of the Plan.

[bold] Summary of previous representations to the Exeter Local Plan [bold]

Our previous representations set out a detailed background to Costco's business operations, and confirm how the Use Class order confirm that warehouse clubs are a 'sui generis' use, rather than class E retail use, and accordingly it has been found that it is acceptable for a Council to grant planning permission for new Costco warehouses on employment land, in circumstances where many retail consents may not have been forthcoming. Costco has secured 29 consents and has been consistently considered to comprise a sui generis (hybrid use) which is appropriate on employment land. This has been confirmed through the granting of planning permission in recent years for new warehouses in Wembley (on allocated Strategic Industrial Land), Hounslow, Sunbury and Stevenage. Costco have also recently secured planning permission for a new Warehouse on an ex-industrial site in Gloucester.

Costco are currently seeking to expand their presence in the UK market, and, as our previous representations have identified, [bold] the company are considering opportunities in the Exeter area. [bold]

Our previous representations also set out the economic benefits which a Costco warehouse can bring to a local area, through job creation across a range of specialisms and levels of experience and technical expertise. Typically, a Costco Warehouse will deliver approximately 180 new employment positions at opening, and this rises to 250 or more within three years of opening. Pay sales compare favourably with those in the retail and warehousing / industrial sectors.

Our previous representations have also identified the benefits to local economies which can arise through the opening of a Costco warehouse. Costco's primary target customer is small and medium-sized businesses such as

independent retailers, food and drink outlets, service outlets, and independently owned hotels and leisure businesses. Each of these sectors make an active and important contribution to the town, district and local centres within which they operate, and, by allowing them to purchase more affordable products, enables them to be more price competitive, whilst also in turn benefiting local economies and residents' access to affordable goods. In this context, it is clear that Costco can make a significant contribution to the health of local economies.

Compliance with aims and objectives of the National Planning Policy Framework (NPPF)

As the Council will be aware, the National Planning Policy Framework (NPPF) identifies the importance of developing a strong and competitive economy. This emphasis is carried forward, and indeed emboldened, in the latest version of the NPPF which was published in December 2024.

Paragraph 85 in Section 6 of the NPPF (2024), 'Building a Strong, Competitive Economy' continues to state that:

'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.' (para 85, our emphasis underlined).

Paragraph 86 of the NPPF (2024) states that planning policies should, inter alia,

- *'Set out a clear economic vision and strategy which positively encourages sustainable growth';*
- *'Set criteria, and identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period'; and*
- *'be flexible enough to accommodate needs not anticipated in the plan, and allow for new and flexible working practices and spaces to enable a rapid response to changes in economic circumstances.'*

This latter strand of paragraph 86 of the NPPF is considered of particular relevance to our client's operation. It confirms that local planning authorities should not seek to be overly prescriptive in their allocations, and local plans should offer sufficient flexibility to accommodate needs which have not been explicitly identified in the Plan. As our previous representations have set out, markets and economies in local areas can always be expected to evolve, and not all new businesses can be expected to fit within traditional use class definitions. Accordingly, ensuring that local plans have an inherent level of flexibility is considered to be of significance, and indeed is necessary to ensure compliance with the aims and objectives of the NPPF. Our previous representations have set out that we do not believe the current wording of the Council's new Local Plan to offer sufficient flexibility in terms of the range of economic sectors it seeks to support.

Representations

In common with previously submitted comments, our representations relate to draft Local Plan **Policy EJ2 'Retention of Employment Land'** and **Policy EJ3 'New Forms of Employment Provision'**. We also take this opportunity to provide comments on the proposed changes to the wording of **Policy EJ1 'Economic Growth'**. Details of our comments in respect of these policies are set out below.

[...]

[bold Conclusions [bold]

I trust the above comments will be considered as the Council move towards the final stages of preparation of their new Local Plan.

Modifications: -

Requested to attend examination?: -

Ref: C-11-00-X

Representor: CR Down Farming Ltd and Stuart Partners Ltd

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: Introduction

CarneySweeney acts for CR Down Farming Ltd and Stuart Partners Ltd in connection with land south of A3052 and east of A376, Clyst St Mary, East Devon, which is being promoted for residential-led mixed use development. CarneySweeney submits the following representations on behalf of our clients.

Summary of our Representations

These representations focus on the following policies within the draft Exeter Plan (draft EP):

- Draft Policy S1 (Spatial Strategy)
- Draft Policy H1 (Housing Requirement)
- Draft Policy H4 (Affordable Housing)
- Draft Policy CC8 (Flood Risk)
- Draft Policy EJ2 (Retention of Employment Land)

Our representations claim the following:

- The draft EP will not make sufficient provision for housing and employment to meet the City's needs within Exeter City Council's (ECC) administrative area.
- ECC has failed to undertake meaningful cooperation with East Devon District Council under the Duty to Cooperate, as evidenced through a publicly available Statement of Common Ground, documenting cross-boundary matters being addressed and progress in cooperating to address these.

As a result, the draft EP has not been positively prepared, it has not been properly justified, it is not effective, and it is not consistent with national policy. It is therefore unsound.

Policy Context for Plan Making

Provisions for plan making is set out within the NPPF and NPPG. ECC is required to take account of the following points when preparing their Local Plan:

National Planning Policy Framework (December 2023)

- Paragraph 24 refers to the duty to cooperate on strategic matters that cross administrative boundaries.
- Paragraph 25 states that “strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans”.
- Paragraph 26 states that “...joint working between strategic policy-making authorities...is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine...whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.”

Planning Practice Guidance

- Paragraph: 009 Reference ID: 61-009-20190315 - Strategic policy-making authorities are required to cooperate with each other, and other bodies, when preparing, or supporting the preparation of policies which address strategic matters. This includes those policies contained in local plans (including minerals and waste plans), spatial development strategies, and marine plans.
- Paragraph: 009 Reference ID: 61-009-20190315 - Local planning authorities are also bound by the statutory duty to cooperate.
- Paragraph: 029 Reference ID: 61-029-20190315- The duty to cooperate was introduced by the Localism Act 2011 and is set out in section 33A of the Planning and Compulsory Purchase Act 2004. It places a legal duty on local planning authorities and county councils in England, and prescribed public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan and marine plan preparation in the context of strategic cross boundary matters.
- Paragraph: 031 Reference ID: 61-031-20190315 - As the duty to cooperate relates to the preparation of the plan it cannot be rectified post-submission, so if the Inspector finds that the duty has not been complied with, they will recommend that the local plan is not adopted, and the examination will not proceed any further. The most appropriate course of action is likely to be for the local planning authority to withdraw the plan and engage in the necessary discussions and actions with other relevant local planning authorities and bodies. In these circumstances the local planning authority will need to re-publish the revised plan for consultation before it is re-submitted for examination. If the Inspector finds that the duty and other legal requirements have been complied with, the examination will then test whether the local plan is sound.
- Paragraph: 015 Reference ID: 61-015-20190315 - Strategic policy-making authorities are expected to document the activities undertaken when in the process of addressing strategic cross-boundary matters whilst cooperating. These will include (but are not limited to):
 - o working together at the outset of plan-making to identify cross-boundary matters which will need to be addressed;
 - o producing or commissioning joint research and evidence to address cross-boundary matters;
 - o assessing impacts of emerging policies; and
 - o preparing joint, or agreeing, strategic policies affecting more than one authority area to ensure development is coordinated, (such as the distribution of unmet needs or policies relating to county matters).

[...]

Duty to Cooperate

Local planning authorities have a legal duty to engage constructively, actively and on an ongoing basis to maximise the effectiveness of local plan preparation in the context of strategic cross boundary matters.[2]

In light of the provisions set by the NPPF and NPPG, ECC has a duty to cooperate with neighbouring authorities. The draft EP must align with the requirements of the NPPF/NPPG and synchronise with local plans being prepared by East Devon District Council, Teignbridge District Council and on a longer time horizon, Mid Devon Council, particularly if the Council cannot show that it can viably meet its housing and jobs needs on land in its jurisdiction.

As ECC has acknowledged that there is very limited capacity for additional development on the edges of the city to accommodate their housing needs, and the draft spatial strategy which relies heavily on brownfield land is unviable, it is the case that ECC cannot show that it can meet its housing needs on land within its administrative boundary for the plan period. Therefore, such needs will need to be met on land in the jurisdiction of adjoining authorities.

ECC has not complied with the duty to cooperate for strategic cross boundary matters.

East Devon District Council is currently preparing its draft Local Plan for the period of 2020-2042. The time to cooperate with this neighbouring has passed in the context of national policy and the duty to cooperate cannot be undertaken retrospectively.

It is strongly advised that ECC undertakes a root and branch review of its draft EP, cooperating at the outset with neighbouring authorities. East Devon District Council is very well placed to be able to accommodate a proportion of ECC's unmet housing needs. Land in the west end of East Devon already plays a vital function to Exeter by providing de facto urban extensions to the city, examples being the Tithebarn and Westclyst developments.

Work on the draft EP should be halted until this review has taken place.

Summary

CarneySweeney submits representations on behalf of CR Down Farming Ltd and Stuart Partners Ltd to ECC's current consultation on the draft EP Reg 19.

Historic unmet needs are being swept under the carpet and this draft EP should not be viewed as a fresh start. Moreover, it is considered that the draft EP strategy will result in history repeating itself and as such, it will fail. This in itself makes the draft EP unsound.

It is considered that the Plan relies too heavily on brownfield land to deliver the lion's share of ECC's housing requirement. The draft EP is considered to be unviable and cannot meet the city's needs for the period 2021-2041. On this basis, the Plan should be found unsound.

ECC has failed to meet its duty to cooperate with neighbouring authorities for strategic cross boundary matters. It is paramount that ECC undertakes a comprehensive review to understand where its needs can be met, looking particularly at East Devon District Council's administrative area.

We ask to be kept informed of next stages of consultation and also that we have an opportunity to participate in any public examination of this document.

[Footnotes]

[2] NPPF Paragraph 24

Modifications: [...] The draft EP will not make sufficient provision for housing and employment to meet the City's needs within Exeter City Council's (ECC) administrative area. [...]

[...] It is our contention that there simply is not enough housing land within ECCs administrative area to meet its needs. [...]

[...] As ECC has acknowledged that there is very limited capacity for additional development on the edges of the city to accommodate their housing needs, and the draft spatial strategy which relies heavily on brownfield land is unviable, it is the case that ECC cannot show that it can meet its housing needs on land within its administrative boundary for the plan period. Therefore, such needs will need to be met on land in the jurisdiction of adjoining authorities. [...]

[...] It is strongly advised that ECC undertakes a root and branch review of its draft EP, cooperating at the outset with neighbouring authorities. East Devon District Council is very well placed to be able to accommodate a proportion of ECC's unmet housing needs. Land in the west end of East Devon already plays a vital function to Exeter by providing de facto urban extensions to the city, examples being the Tithebarn and Westclyst developments.

Work on the draft EP should be halted until this review has taken place. [...]

[...] ECC has failed to meet its duty to cooperate with neighbouring authorities for strategic cross boundary matters. It is paramount that ECC undertakes a comprehensive review to understand where its needs can be met, looking particularly at East Devon District Council's administrative area. [...]

Requested to attend examination?: Yes

Ref: C-15-00-X

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: [bold] Introduction [bold]

These representations have been prepared and submitted by Savills on behalf of Edenstone Homes (Edenstone) in response to Exeter City Council's (the "Council") Exeter Plan 2021-2041 Publication Stage (Reg. 19) consultation, including evidence base, published in December 2024.

Edenstone have not participated in earlier consultations on the Local Plan, however, they have now acquired control of Land adjoining Silverlands (Silverlands / the "site"), which is proposed as a draft residential allocation of 67 homes in Policy H2, and forms the last parcel of land to come forward at Alphington, as allocated in Policy CP19 of the adopted Exeter Core Strategy (2012). Edenstone submitted an initial pre-application in December 2024 for the site and intend to prepare and submit a full planning application during the course of 2025.

These representations are intended to support the Council's preparation of a sound Local Plan including the continued residential allocation of Silverlands, but also to provide comment on non-site specific development management policies. However, in its current form, Edenstone do not consider that the Local Plan is sound, and should not therefore progress to submission without amendment.

Where practical, these representations propose the necessary amendments to enable the Plan to be found sound. In a range of instances, revised text has been included, where red strikethrough text indicates a deletion and green underlined text indicates a proposed addition. All other text in quotations is original.

[bold] Appendices to Representations [bold]

Accompanying this submission are the following appendix:

A. Consultation Questionnaire Form

Modifications: -

Requested to attend examination?: Yes

Ref: C-25-00-X

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: General/Whole plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: These representations have been prepared and submitted by Savills on behalf of Morgan Real Estate in response to Exeter City Council's (the "Council") Exeter Plan 2021-2041 Publication Stage (Reg. 19) consultation, including evidence base, published in December 2024.

Morgan Real Estate have not participated in earlier consultations on the Local Plan, however, Morgan Real Estate are responding to this consultation in its capacity as Development Manager on behalf of '0001 P Hay Exeter Headl (Freeholdco) Limited', a wholly owned subsidiary of Frasers Group Plc, who own a number of buildings within the 'East Gate' draft allocation, under draft Policy SBA2 (East Gate). The land being managed by Morgan Real Estate comprises part of the land referred to as 'City Point' within the draft Local Plan, but for reference a site location plan showing the extent of the land under control is included in Appendix A, which specifically indicates the land under control as shaded purple.

The East Gate draft allocation is included within the draft plan for mixed use development, comprising over 600 new homes, employment and community uses. These representations outline the support for this draft allocation and explain Morgan Real Estate's position and aspirations for the site.

These representations are intended to support the Council's preparation of a sound Local Plan including the mixed use development of the East Gate draft allocation, but also to provide comment on non-site specific development management policies. However, in its current form, Morgan Real Estate do not consider that the Local Plan is sound, and that amendments should be made prior to the submission of the plan for examination.

These representations propose amendments considered necessary to enable the Plan to be found sound. Where relevant, revised text has been included, where red strikethrough text indicates a deletion and green underlined text indicates a proposed addition. All other text in quotations is original.

Modifications: -

Requested to attend examination?: Yes

Ref: C-27-00-X

Representor: National Grid Property Holdings and Wales and West Utilities

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: [bold] Introduction [bold]

We are instructed on behalf of our client, National Grid Property Holdings (NGPH) and Wales and West Utilities (WWU) to submit representations in respect of the Exeter City Council Pre-Submission Local Plan (Regulation 19) consultation.

NGPH and WWU are the owners of the operational Gasworks site at Water Lane, for the avoidance of any doubt (as shown within Image 1, overleaf). This, as can be clearly seen, forms a considerable part of the land forming the Water Lane redevelopment area, which is one of the largest sites within the Council's Liveable Exeter initiative. Our clients have engaged with senior members of Exeter City Council on a number of occasions over the last three years in respect of the existing implications and potential future operations of the gas infrastructure at the Gasworks site, and associated remediation proposals, both fully funded, and future redevelopment plans for the site, and further details on this are provided below.

NGPH and WWU are in discussions to sell the site. As such, we have commented only on the policy where it deals with strategic matters as relevant to the landowner.

Representations were previously made to the First Draft Exeter Local Plan and the now adopted Liveable Water Lane SPD. Copies of these representations are provided in [bold] Appendix 1 [bold] of this letter.

[bold] Background [bold]

The Gasworks site is bound to the south-east by Cotfield Street, to the south-west by Water Lane and to the north-west by an industrial estate. Haven Road and the River Exe are situated to the north-east of the site. The extent of the Gasworks site can be seen in Image 1, below.

As the Licensed Gas Transporter for the area, WWU must maintain a reliable gas supply to the City of Exeter and some 33,000 residential customers, together with around 800 industrial and commercial users. The responsibilities of WWU extend to ensuring provision of such supply and ensuring any future modifications supports and meet the high engineering and safety standards to be expected for infrastructure of this nature.

The Gasworks site contains an existing Pressure Reduction Station (PRS), and associated gas mains, which are required to allow our client to discharge its statutory function. The key infrastructure here is the existing high-

pressure gas main, which is protected by way of an easement. For health and safety reasons, there are 'build and proximity distances' which materially restrict any building operations both on and off site, including the wider Water Lane area. This has previously been communicated to the Council.

[image: The Gasworks site at Water Lane]

[bold] Representations [bold]

It is acknowledged that the Gasworks site is allocated under 'Strategic mixed use brownfield allocation: SBA1 – Water Lane (Strategic Policy)'. This policy is in line with the Liveable Water Lane Supplementary Planning Document (SPD) adopted by the City Council in July 2024. NGPH and WWU wholly support the site's allocation under Policy SBA1 – Water Lane (Strategic Policy), however, maintain concerns in relation to access (see below), and refer officers again to the points made previously around the siting of any future school and playing fields which will need to take into full consideration of the operational and HSE restrictions together with the existing ground conditions (see [bold]Appendix 1 [bold]).

[bold] Conclusions [bold]

Overall, NGPH and WWU, subject to the existing operational constraints which have been clearly set out above, wholly support the wider allocation of Policy SBA1, but maintain concerns in relation to access, up until the site is developed and, for reasons of viability, reiterate the need to ensure that the school and grounds is not developed within the former gasworks site, as per our previous representations.

These points continue to be relevant in this important transition period as NGPH and WWU look to pass the site onto a future developer.

We trust the above representations will be taken into account as the draft local plan progresses and NGPH and WWU would welcome continued discussions with officers to at the appropriate time.

Modifications: -

Requested to attend examination?: -

Ref: C-30-00-X

Representor: NT Properties Nominees 1A Ltd and NT Nominees 1B Ltd

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: We are instructed by our client, NT Properties Nominees 1A Ltd and NT Nominees 1B Ltd (c/o Legal & General Investment Management ('LGIM')) to submit the enclosed representations to the consultation on the Regulation 19 version of The Exeter Plan 2021-2041.

LGIM is a key stakeholder in the City, owing the freehold of Exe Bridges Retail Park ('EBRP'), which is located off Cowick Street, Exeter.

EBRP forms part of the wider St Thomas District Centre, as defined by both the adopted Development Plan and the emerging local plan. The District Centre provides an important established retail destination for residents in an accessible location. The retail park is fully let, with the longest lease not expiring until August 2031, with existing representation from Next, M&S, Boots, Poundland, TK Maxx and Burger King.

LGIM continue to look to maintain and improve the vitality and viability of EBRP, and ensure that it continues to provide an important anchor for St Thomas District Centre by providing retail choice in an accessible location, and a significant source of local employment.

It is also recognised that EBRP has the potential, in the medium to long term (10-15 years), for wider residential-led mixed use redevelopment. That redevelopment could potentially contribute to meeting the wider needs of the City, as acknowledged by Exeter City Council ('ECC') in the Regulation 19 version of the emerging Local Plan. It is therefore essential that there is an appropriate policy framework in place to ensure that the important role EBRP plays as part of a district centre function is maintained and enhanced over the plan period, whether redevelopment or not. It is imperative that the emerging policy framework does not undermine LGIM's ability to agree new leases or undertake wider asset management initiatives whilst also fostering greater redevelopment potential in the medium to long term, subject to market demand.

It is within this context that these representations have been submitted.

[...]

Summary

LGIM is a key stakeholder in Exeter and welcomes the potential long-term development opportunity of EBRP. However, the proposed approach in allocating the site for future development is too prescriptive and fails to

provide the flexibility necessary to ensure that policy primacy is given to maintaining and enhancing the vitality and viability of EBRP which forms part of a designated district centre.

Instead, for the reasons outlined above, a more flexible approach should be provided for EBRP given its specific site characteristics. This can be achieved through the suggested revisions to the relevant policies referred to above. These changes will ensure the Plan is effective, justified and consistent with national policy. Without these changes LGIM views the plan as being unsound and cannot be supported.

We trust that these representations will be given full consideration by the Council and are helpful in progressing the Local Plan. In the meantime, please do not hesitate to us if there are any queries.

Modifications: -

Requested to attend examination?: -

Ref: C-32-00-X

Representor: South West Housing Association Planning Consortium

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: [bold] Tetlow King Planning [bold] represents the [bold] South West Housing Association Planning Consortium [bold] (SWHAPC) which includes leading Housing Associations across the South West. Our clients' principal concern is to optimise the provision of affordable housing through the preparation of consistent policies that help deliver the wider economic and social outcomes needed throughout the South West region.

As significant developers and investors in local people, the SWHAPC is well placed to contribute to local plan objectives and act as long-term partners in the community. Our clients play an active role in affordable housing delivery in Exeter and so welcome the opportunity to comment on the Regulation 19 Publication Plan 2021-2041, recognising that it is a positive step in the preparation of the New Local Plan.

The existing Core Strategy was adopted in 2012 and only has one year left of its plan period which is due to expire in 2026. In addition, the Greater Exeter Strategic Plan (GESP) is no longer being advanced, but the SWHAPC encourages the four local authorities to work together on the progression of their own new local plans.

[...]

[bold] Further Comments [bold]

We would like the Local Plan to acknowledge further the role of Housing Associations in providing affordable housing in Exeter. It would be beneficial to see the Council recognise the role of Housing Associations and encourage developers to have early active engagement with Housing Associations in the preparation of planning proposals. Early engagement enables Housing Associations to have an active role in the planning and design of developments to ensure that the development addresses local housing needs and meets the management requirements of SWHAPC members. It is recommended that the Council adds 'Collaboration with Registered Providers' to the delivery mechanisms for Policy H4 in the monitoring section of the draft Local Plan.

We would like to use this opportunity to highlight the successful proven track record that Community Land Trusts (CLTs) have in delivering affordable housing for local people. The Council may find it insightful to know that a number of the SWHAPC Housing Associations have delivered significant levels of affordable housing through partnerships with CLTs across the south of England. Therefore, it would be particularly useful if the Local Plan acknowledges this working relationship in order to encourage commitment in the Local Plan to support CLTs in their choice of sites.

The above comments are intended to be constructive, to ensure the policies are found sound at examination.

Modifications: -

Requested to attend examination?: -

Ref: C-33-00-X

Representor: Strongvox Homes

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: These representations to the Exeter Plan 2021-2041 Publication Stage (Regulation 19) Consultation are made on behalf of Strongvox Homes Ltd who control the land at Newcourt Road, Topsham shown outlined in red on the plan below. Strongvox have recently submitted a planning application for residential development of 23 dwellings (including 35% affordable housing), access from Newcourt Road and associated works on the site ref: 24/1425/FUL.

[Map]

Plan Making Requirements

These representations have regard to the National Planning Policy Framework (NPPF) which requires local planning authorities to ensure that all policies are evidenced by up-to-date information. Paragraph 31 states,

'The preparation and review of all policies should be underpinned by relevant and up-to- date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals'.

Paragraph 35 of the NPPF explains that plans will be examined to determine that they are sound. Plans are sound if they are,

- (a) Positively prepared - providing a strategy to meet the area's objectively assessed need,
- (b) Justified - an appropriate strategy, taking account of reasonable alternatives and based on proportionate evidence.
- (c) Effective – Deliverable over the plan period and based on effective cross boundary working, and
- (d) Consistent with national policy - enabling the delivery of sustainable development in accordance with the policies in the Framework and other statements of national planning policy.

[...]

Summary

The new Urban Development boundary around Topsham is supported in light of the changes to the area since the previous Local Plan was adopted. The proposed allocation of site reference: 153 for residential development under draft Policy H2 is also supported as it is a logical site for development and would contribute towards

meeting the housing requirement for the area. The draft Plan is considered to be positively prepared in this respect.

Modifications: -

Requested to attend examination?: Yes

Ref: C-36-00-X

Representor: Taylor Wimpey

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The following comments are submitted on behalf of 'our client' Taylor Wimpey UK Limited in relation to the Exeter Plan: Publication Draft (December 2024). Our client has land interests at Land at Attwells' Farm, Exwick, Exeter.

Pegasus Group and our client welcome this opportunity to engage with the Council at this stage of plan making. Our client is keen to work collaboratively with the Council to ensure that a sound and robust plan is submitted for examination which provides an appropriate planning framework for Exeter.

The December 2024 National Planning Policy Framework (NPPF) is the latest iteration of the NPPF and became effective on its publication. Annex 1 paragraphs 234 to 243 provide the relevant transitional arrangements for plan-making. The Exeter Plan has reached regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre- submission) stage on or before the 12 March 2025 and the housing requirement meets at least 80% of local housing need. In these circumstances, in conformity with paragraph 235 of the NPPF the plan will be examined under the relevant previous version of the Framework, this being the December 2023 version of the NPPF. In this regard, all following references to the NPPF relate to the December 2023 version. The December 2024 version of the NPPF is occasionally referred to for context, this is however clearly stated in the text.

Duty to Cooperate

The Council has failed to adequately justify that it has met its obligations under the duty to cooperate.

The Council will be aware of its obligations under the duty to cooperate. The duty applies to all strategic matters which cross administrative boundaries. The administrative boundary of Exeter is closely related to the extent of the built-up area, particularly along its western boundary. The city will, therefore, have a significant influence on the fringe of the two largely rural neighbouring districts of Teignbridge and East Devon. Given its tightly constrained geography and close physical and economic relationship with neighbouring districts it is imperative that Exeter works closely with its neighbours.

The NPPF, paragraph 35, is clear that for plans to be found sound they must be effective. This requires effective joint working on cross-boundary strategic matters. Furthermore, the NPPF, paragraph 26, identifies that:

"Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to

the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.”

The NPPF goes on to note at Paragraph 27 that:

“In order to demonstrate effective and on-going joint working, strategic policymaking authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these.”

Paragraph 74 of the NPPF identifies that:

“...Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way”

Paragraph 110(b) of the NPPF also restates this as it pertains to the relationship between transport and development patterns:

“[Planning policies should] be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned”.

The Council has produced a ‘Duty to Cooperate Statement’ (DtC statement) dated December 2024. This document outlines the Council’s involvement and adoption of the non-statutory joint strategy called ‘Our Shared Coordinates’, as well the Council’s involvement within cross-boundary discussions and evidence.

Our client is pleased to note that ‘Homes’ has been identified as a cross-boundary issue within paragraph 4.1 of the DtC statement. Section 6 considers the activity and work undertaken in relation to this issue. It is noted that this led to joint evidence such as the ‘East Devon, Exeter, Mid Devon and Teignbridge Local Housing Needs Assessment, 2022’ and subsequent 2024 Exeter update. This is considered positive.

Despite these positive actions little substance is provided within the DtC statement regarding how this has influenced plan development, other than referencing Torbay not seeking to have any of its unmet need delivered within Exeter. No statements of common ground have been provided to support the DtC statement and as such it is unclear if the plan has been prepared alongside active involvement of neighbouring authorities and infrastructure providers. It must also be recognised that the duty is an iterative process and as such changes in circumstance must also be considered. In this regard the revisions to the NPPF in December 2024 also included a revised standard method for determining local housing need. In the case of Exeter, Teignbridge, Mid-Devon and Torbay this has led to an increase in the identified local housing need. It is imperative that the Council consider this issue as part of its duty to cooperate prior to submitting the plan and makes any necessary amendments.

The Council will be aware that our client’s site at Land at Attwells’ Farm, Exwick, Exeter is one of the Edge of Exeter allocations within the emerging Teignbridge Local Plan. This plan is, at the time of writing, at a late stage of its examination. It is, therefore, important that this site is recognised within both Local Plans. This is particularly important given that, as discussed in the previous section, part of our client’s wider site sits within the boundaries of Exeter. Whilst our client intends for the area within Exeter to be undeveloped, forming part of the access and public open space only, it should be identified within the Exeter Plan.

In making these representations we have taken account of the tests of soundness which will be applied to the local plan when it is examined by the local plan inspector. Paragraph 35 of the NPPF confirms that plans would be considered sound if they are:

- Positively prepared – providing a strategy which, as a minimum, seeks to meet the area's objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
- Justified – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
- Effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
- Consistent with national policy – enabling the delivery of sustainable development in accordance with the policies in this Framework.

The following response is provided to selected policies and issues identified within the 'Publication Draft' of The Exeter Plan and its associated evidence base. This response should be read in conjunction with our client's earlier comments upon the 'Outline Draft' and 'Full Draft' of the Exeter Local Plan.

Unfortunately, the fundamental objections of our client, raised at these earlier stages of plan-making still largely remain. This is extremely disappointing. Within our previous objections to the plan, we identified the over-reliance upon city centre strategic brownfield allocations and the lack of consideration of purpose-built student accommodation within the housing requirement as key issues the Council needed to address. These issues remain and form part of our objections to the plan as currently drafted.

The Council will also be aware that our client's site at Land at Attwells' Farm, Exwick, Exeter is appropriately identified as a proposed allocation within the Teignbridge Local Plan which is now in the latter stages of its examination. The vehicular access to this site falls within the Exeter City Council administrative boundary.

Our client has engaged in pre-application discussions with Teignbridge Council, these discussions have reinforced the deliverability of the site. Our client has also submitted a screening opinion request (ref: 23/02038/SO) demonstrating their intentions to deliver the allocation in a timely manner. Our client is firmly of the opinion that the elements of this site which are located within the administrative boundary of the Council should be identified through the Exeter Local Plan.

Summary and Conclusions

The emerging Local Plan is currently considered to be fundamentally flawed. The key issues identified in our representations relate to a poorly considered strategy which places too great a reliance upon the delivery of urban brownfield sites. Whilst our client considers these sites will play their part in delivering the needs of Exeter they should be balanced with sites outside of the urban area which will appeal to different elements of the community.

The plan fails to consider the impact of the growing student population within the housing requirement as well as the needs of families and other sectors of the community. To address these points, we recommend that the housing requirement is commensurately increased to, as a minimum, meet the current local housing need (800dpa) for the area. This increase should go 'hand-in-hand' with a wider diversity of additional allocations. To ensure that the additional allocations are attractive to the market and not PBSA it is recommended that these are provided on sustainable out of centre sites. These are likely to be greenfield in nature.

The plan also appears to be seeking to provide blanket landscape setting areas which are based on an

inadequate and incomplete evidence base. This policy appears to be attempting to introduce a quasi-Green Belt policy without the adequate justification.

The Council is also required to ensure it has met its duties under the Duty to Cooperate. Our client is promoting a site in neighbouring Teignbridge which is identified as an allocation in their local plan. This local plan is now in the latter stages of its examination. The site at Attwells' Farm, Exwick, straddles both authorities. Whilst our client's site does not propose any development, other than access and public open space, within Exeter the proposed allocation should be recognised within the Exeter Plan.

Our client's site (Land at Attwells' Farm, Exwick) is clearly a sustainable location for new development. Our client has provided significant evidence which robustly demonstrates that the site can be delivered without adversely impacting upon the setting of Exeter. This is an agreed position with Teignbridge District Council.

Whilst not directly delivering 'The Exeter Plan' housing requirement our client's site will undoubtedly assist in meeting the wider housing needs of the city, through the provision of much needed market and affordable housing across a variety of size and tenures.

Modifications: -

Requested to attend examination?: -

Ref: C-37-00-X

Representor: Telereal Securitised Property GP Limited

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: [bold]Introduction & Background[bold]

On behalf of our client, Telereal Securitised Properties GP Limited, we hereby submit written representations to Exeter City Council ("Exeter CC"; "the Council"•) with regards to The Exeter Plan (Publication Plan: Regulation 19, December 2024).

[bold>About Telereal Securitised Properties GP Limited & its key landholding in Exeter[bold]

It is considered that it would be helpful to provide some background to our client who owns and operates a network of British Telecom telephone exchanges throughout the country.

In Exeter, our client is the freeholder of the [italic]Exeter Rougemont Switching Centre/Telephone Exchange, Queen Street, Exeter, EX4 3SR[italic] ("the site") which is subject to draft housing allocation ref. 151 (Rougemont Switching Centre).

As previously communicated to the Council, the site has been subject to a recent strategic asset review where it has been concluded that it will become surplus to operational requirements and, consequently, available for residential-led redevelopment by 2031, hence within the plan-period of The Exeter Plan.

[bold]Interest in The Exeter Plan[bold]

Due to its interest in the above site, The Exeter Plan is of significant importance to our client who has a strong interest in ensuring that it (particularly Draft Policy H2 and draft housing allocation ref. 151) creates a strong, flexible, ambitious and deliverable planning policy framework to facilitate the sustainable growth Exeter requires whilst optimising the sites development potential in order to maximise the public benefits it can deliver.

Once existing operations cease, the site represents a significant development opportunity on brownfield land in a highly accessible and sustainable city centre location. Our client therefore encourages the Council to be ambitious, and realistic, in relation to estimated capacity/density levels in its draft housing allocations to make most effective use of brownfield land in accordance with national policies (and wider draft policies contained in The Exeter Plan).

[bold]Soundness of The Exeter Plan[bold]

As the Council will be aware, for Local Plans to be found sound, **Paragraph 35** of the National Planning Policy Framework ("NPPF", 2023) **Paragraph 36** of the 2024 version; however, the 2023 version is referred to throughout as we understand the emerging plan will be assessed against it; if not further specified, references in these representations are to the 2023 version] it is important that they are:

Positively prepared: Providing a strategy which, as a minimum, seeks to meet the areas objectively assessed needs; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;

Justified: Based on an appropriate strategy, taking into account the reasonable alternatives, and proportionate evidence;

Effective: Be deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and

Consistent with national policy: To enable to delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.

Our client welcomes the general direction of The Exeter Plan and strongly supports its vision and objectives for the city centre. However, our client also encourages the Council to be more ambitious in relation to its draft housing allocation, and particularly ref. 151, to ensure they make most effective use of brownfield land in accordance with national policies, thereby resulting in a sound Local Plan.

Relevant Policy Framework and Development Plan

Chapter 11 of the NPPF sets out the Governments intention to make effective use of land and achieving appropriate densities. **Paragraph 123**, for instance, states that "[p]anning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. 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"• [italic].

Paragraph 124d further highlights that planning policies (and decisions) should [italic] "promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used for effectively"• [italic].

With regards to achieving appropriate densities, **Paragraph 128** requires that [italic] "[p]anning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
- b) local market conditions and viability;
- c) the availability and capacity of infrastructure and services “ both existing and proposed “ as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- d) the desirability of maintaining an areas prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
- e) the importance of securing well-designed and beautiful, attractive and healthy places" [italic].

In its 2024 version of the NPPF, the Government further emphasises that planning policies should *"give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused"* **125c**).

As a result, it needs to be closely assessed whether draft housing allocations and linked development sites are (1) deliverable and, in accordance with national policy, (2) make most effective use of brownfield land, and (3) are developed at appropriate densities with The Exeter Plan expected to provide a robust framework for sites to optimise their capacities.

[...]

Conclusion

As can be seen from our client's comments on The Exeter Plan, it is considered that some minor modifications can ensure compliance with national policies in relation to ensuring that draft housing allocations make most effective use of brownfield land and therefore ensure a sound Local Plan in this regard. However, the general direction as well as the principles associated with draft housing allocation ref. 151 are supported.

Modifications: -

Requested to attend examination?: Yes

Ref: C-38-00-X

Representor: The Guinness Partnership Ltd

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: [bold] Introduction [bold]

The representations are submitted in response to The Exeter Plan – Publication Draft Regulation 19 consultation, on behalf of The Guinness Partnership Ltd that owns a group of buildings at Heavitree Road, namely The Pyramids, John Hannam House and Eaton House / Eaton Drive, collectively referred to as the Pyramids Site. These buildings are identified in The Exeter Plan as part of a wider proposed mixed use allocation known as East Gate.

The Guinness Partnership is one of the country's best-known housing providers and operates in 125 local authority areas across England. Most of its homes are homes for rent at prices significantly lower than those charged in the private market and on tenancy terms which offer far greater security. Affordable home ownership options and homes that people can purchase outright on the open market are also provided, recognising that the shortage of housing in this country affects those seeking to buy a home too.

This range of housing provision meets a range of needs, and any profit they make on homes for outright sale helps them invest in and build more affordable homes.

The Guinness Partnership purchased The Pyramids building from Exeter City Council in late 2022 with an agreed view to redeveloping the site as part of its continued provision of affordable housing. A condition of the sale agreement was that the site should not be used for student accommodation.

[...]

[bold] Conclusions [bold]

The Guinness Partnership supports the proposed East Gate mixed use proposals and intends to work collaboratively with the Council towards the delivery of much needed affordable housing on land in its control within the allocation area.

The Spatial Strategy that seeks to shift the emphasis for housing delivery towards brownfield sites is supported, however it must be recognised that a step change in the acceptance of an increased scale/height of buildings is required to achieve this aim. A tall buildings and density policy would assist developers as it would provide clarity and guidance as to what would be acceptable in this regard.

The strategy towards achieving carbon 'net zero' is supported, however for clarity to developers this requirement should be better defined. Reference in Policy CC5 to the 2013 Building Regulations is however out of date given current updated standards and the proposed Future Homes Standards that will apply over the plan period.

The approach in Policy CC6 reduce embodied carbon emissions where possible is supported, however this should not impose any more onerous requirement than drafted bearing in mind that the Exeter Plan Spatial Strategy relies heavily upon the use of brownfield sites.

The Exeter Plan should not prescribe a particular affordable housing tenure mix within Policy H4 as this is almost certainly going to fluctuate over the plan period.

Modifications: -

Requested to attend examination?: -

Ref: C-40-00-X

Representor: TT Group

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: These representations have been prepared and submitted by Savills on behalf of TT Group in response to Exeter City Council's (the "Council") Exeter Plan 2021-2041 Publication Stage (Reg. 19) consultation, including evidence base, published in December 2024.

TT Group has an interest in Exbridge House, 26 Commercial Rd, Exeter. A copy of the Site Location Plan is enclosed with these representations (Appendix 1).

Representations have been submitted to the previous consultation stages on behalf of TT Group, including the consultation on the Full Draft in October 2023.

Exbridge House previously fell within the 'West Gate' draft allocation which appeared in a previous stage of the draft Plan. Indeed, the previous West Gate allocation proposed approximately 200 dwellings for this area over the plan period. The West Gate allocation has since been removed from the plan, a point addressed in these representations.

These representations are intended to support the Council's preparation of a sound Local Plan, including comments on non-site specific development management policies. However, in its current form, TT Group do not consider that the Local Plan is sound, and that amendments should be made prior to the submission of the plan for examination.

These representations propose amendments considered necessary to enable the Plan to be found sound. Where relevant, revised text has been included, where red strikethrough text indicates a deletion and green underlined text indicates a proposed addition. All other text in quotations is original.

Modifications: -

Requested to attend examination?: -

Ref: C-41-00-X

Representor: University of Exeter

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The University of Exeter (UoE) appreciates the opportunity to review and comment on the Publication Draft of the Exeter Plan (Regulation 19).

The University values the opportunity to share ideas on the city's future growth patterns, potential development sites and strategic policies that will shape new initiatives.

The University has its own development plans for its landholdings within the city and seeks to ensure these are closely aligned with the Exeter Plan. This response outlines the University's views on the plan's content and level of constructive and ongoing engagement, while highlighting its specific interests, ongoing proposals, and emerging initiatives.

Significant investment continues to be made in the St Luke's and Streatham campuses and associated facilities. The University aims to extend the benefits of these investments across the city and local economy, encompassing areas such as community engagement and environmental sustainability.

Collaboration remains a key priority for the University in implementing the Exeter Plan. As a partner in Liveable Exeter and a member of the Liveable Exeter Place Board, the University supports its principles and welcomes its integration into the Exeter Vision 2040 and the Exeter Plan.

Through its commitments under the Exeter Civic University Agreement, the University of Exeter Strategy 2030, and its involvement in Exeter City Futures and the Exeter Development Fund, the University is committed to supporting the delivery of the local plan and its overarching vision.

Modifications: -

Requested to attend examination?: -

Ref: C-42-00-X

Representor: Vistry Group

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The Government, through the updated NPPF published in December 2024, have set out their clear intentions to provide the right conditions to substantially increase housing delivery in the UK, setting a target of achieving 370,000 new homes each year. The focus of the updated NPPF is explicitly on overhauling the planning system to address the chronic housing crisis and to support “builders not blockers” and to deliver growth.

The implication of the updated NPPF on Exeter is a significantly increased challenge in the number of homes that are required to be built. Under the new standard method housing requirements will rise significantly from 642 dwellings per annum to 800 dwellings per annum, significantly above past delivery rates. It is noted that the Council are seeking to benefit from the updated NPPF’s transitional arrangements by publishing a Regulation 19 version of the Plan in advance of the cut off of 12th March. Whilst this enables a lower housing requirement to be pursued, this is simply increasing the gap between housing need and supply in the longer term.

Until an adopted Plan is in place the Council are still required to demonstrate a 5-year supply of housing land based on the new standard method. It is clear that this will be challenging for the Council, demonstrated by our calculation (based on the latest supply figure from April 2024) that this would result in just a 3.9 year housing land supply position. This would leave Exeter vulnerable to ad hoc planning applications and appeals and a diversion away from a more planned strategy.

Despite the need to deliver increased levels of housing being a priority for the Council both through development management and plan-making, our clients are concerned that the Publication Draft does not embed this as a key focus. Instead, it appears to continue to rely on sites that are undeliverable, whilst increasing the burden on all development through unrealistic and unviable requirements. As a result, there is a considerable risk that objectives of meeting the fundamental scale of need for housing in Exeter will not be met; real choice will not be created in the housing market to meet the range of such needs; and the overall strategy lacks any true resilience or contingency.

[...]

[bold] Conclusion [bold]

We have set out above the concerns of our clients regarding the overall strategy of the Publication Draft and the general reluctance to recognise and understand the clear role of greenfield sites. These provide clear opportunities for delivering a more balanced and comprehensive housing strategy as well as supporting choice

and resilience. This is in the context of the significant challenges Exeter faces in respect of meeting identified needs.

Our clients' site at Land at Pendragon Road has been proven suitable and available based on the contribution it can make to meeting such needs. Given the significant benefits that the site can bring forward we would strongly advise the Council to include the site within the Plan allocations. This will safeguard those benefits and address any risk of short-term delay from factors outside of my clients' control.

Modifications: -

Requested to attend examination?: -

Ref: C-43-00-X

Representor: Waddeton Park Limited

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: We have now had the opportunity to review the Publication Draft and note that the Council has at least appeared to have acknowledged the clear deliverability issues of the previous version of the Plan. The removal of Marsh Barton as a strategic allocation seeks at least in part to redress the many concerns raised, including those of our clients, regarding the lack of consideration of the many implementation obstacles that bringing forward that area (in multiple and complex ownership and requiring business relocation on a major scale) would raise.

However, it is disappointing that this change has not led to a tangible refocussing of the overall spatial strategy and the Council's approach to delivering a sufficient supply of housing to meet identified needs. This is despite the Government, through the updated NPPF published in December 2024, making it absolutely clear that there is a need to substantially increase housing delivery in the UK, setting a target of achieving 370,000 new homes each year. The focus of the updated NPPF is explicitly on overhauling the planning system to address the chronic housing crisis and to support "builders not blockers" and to deliver growth.

The implication of the updated NPPF on Exeter is a significantly increased challenge in the number of homes that are required to be built. Under the new standard method housing requirements will rise significantly from 642 dwellings per annum to 800 dwellings per annum, significantly above past delivery rates. It is noted that the Council are seeking to benefit from the updated NPPF's transitional arrangements by publishing a Regulation 19 version of the Plan in advance of the cut off of 12th March. Whilst this enables a lower housing requirement to be pursued, this is simply increasing the gap between housing need and supply in the longer term.

Furthermore, until the Plan is adopted the Council are still required to demonstrate a 5-year supply of housing land based on the new standard method (800 dwellings per annum), based on the Council's latest supply figure from April 2024 we have calculated that this represents a land supply position of under 3.9 years. The need to deliver increased levels of housing must be a priority for the Council both through development management and plan-making and requires a step change away from the traditional focus on constraints and protectionist policies.

On behalf of our clients, we have consistently set out that a Local Plan that over relies on sites that are undeliverable, whilst increasing the burden on all development through unrealistic and unviable requirements will not have been positively prepared and will not be effective.

Despite the removal of Marsh Barton (which my clients welcome), it appears only limited and narrow options have been explored as to how any shortfall of assumed housing delivery on that now defunct strategic allocation could

be redistributed. It further appears the approach taken fails to be driven by the objectives of meeting the fundamental scale of need for housing in Exeter; does not seek to provide real choice in the housing market to meet the range of such needs; and lacks any true resilience or contingency needed to reflect the challenges of the strategy. Instead, the Plan, in our view continues to over rely on the undeliverable and unrealistic.

[...]

[bold] Conclusion [bold]

The Publication Draft does little to address the concerns we have expressed previously on our clients' behalf on the overall lack of focus on meeting the fundamental housing needs of the City. It fails to recognise that there are opportunities to have a more balanced and comprehensive approach towards identifying both brownfield and greenfield sites which benefit delivery, choice and provide much needed resilience to the Plan. Instead the Plan continues to rely on assumptions that are at best uncertain (but more likely undeliverable) and to perpetuate a reliance on blanket protection that overlooks opportunity and benefit.

What is clear is the City Council are facing significant housing challenges which the Government is clear in its expectation that it will need to be met through the delivery of substantially more housing. This does mean a step change in approach will be required to prevent another plan period passing by characterised by non-delivery, appeal losses and an ineffective and undermined Development Plan.

Modifications: -

Requested to attend examination?: -

Ref: D-01-00-X

Representor: Devon Archaeological Society

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: We write on behalf of the Devon Archaeological Society, a body of 500 members, both lay and professional, who are committed to the conservation of the county's historic environment. Our Society has been actively engaged in the care of the buried archaeology, ancient monuments and historic buildings of the city for almost a century.

Our comments will naturally concentrate on matters relating to the historic environment and heritage of the city. We note the statement (1.19) that the purpose of the present round of comments is to establish the 'soundness' of the Plan, and will aim to concentrate on this matter. We further note that the 'straightjacket' of the representation form on which responses are requested (/required?) is not susceptible to more discursive comment, no matter how relevant, and we are therefore also attaching to the completed form(s) this response by letter.

[italic] Background [italic]

In our response to the previous draft (January 2024) we raised a number of objections which still form the basis of our opposition to the Exeter Plan, namely:

While welcoming the core policies on history and heritage we think strongly that the policies are only as good as their implementation and our recent experience has been to observe that implementation of policy in the city has tended to ignore the historic environment.

That the development policies that concentrate on brownfield city centre sites set up an immediate conflict with the historic environment, especially when such an emphasis is placed on matters of density and height.

That Exeter's heritage assets (both designated and undesignated) are vulnerable to harm by development policies and archaeological importance has not been sufficiently allowed for.

The contribution the historic environment makes to other policy areas (open spaces, green infrastructure, recreation, etc.) is under-represented.

Co-operation with adjoining authorities received less attention than it merits, especially in relation to housing allocations.

[...]

[italic] General comments [italic]

In terms of the city's most important 'heritage assets', we note the almost complete omission from the Plan of consideration of one of the principal historic features of the city: Exeter Cathedral and Close. Not only is the protection and conservation of these of great archaeological importance, but their relation to the rest of the city, and the impact of development within the city to their protection and appreciation, are barely mentioned in the Plan. Many currently proposed and future developments within the city are capable of having a serious and lasting impact upon the setting and appreciation of the Cathedral and Close. For example, we mention the very ill considered proposals currently being made for the Acorn Roundabout area of the South Gate.

We note that the text of the Plan has not been carefully proof read and that additions and alterations since the previous draft have not always been followed through by correction of cross references and the like. We noted errors of this sort on p. 25 (where in line 2 'HH2' should now read 'HH4'), and p. 105 (where at 11.47 'HH3' should now read 'HH5'), and there may have been other similar instances we did not note in reading the text. Care will be needed to ensure accurate cross-referencing in the final version.

In the light of these objections, the Devon Archaeological Society formally requests the right to be heard at the Examination Hearings of the Exeter Local Plan, and to be notified of developments in the plan-making process.

Modifications: -

Requested to attend examination?: Yes

Ref: D-03-00-X

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: It is disappointing to note that many of our previous comments on the Full Draft Plan have not been reflected in the Publication Plan. In order to ensure the best outcome for nature and the environment across the landscape of Exeter city, we urge the Council to address the comments provided below in the final copy of the Plan. We confine our comments to those relating to nature and environment.

[bold] General comments [bold]

It is disappointing to note that the wording of much of the Plan relates to restrictive actions which must not be carried out in relation to biodiversity. Nature presents a crucial opportunity to enhance the built environment and wellbeing of its residents, rather than a constraint imposed on development, and this should be reflected in the Plan. We would encourage the use of phrases such as 'must be included' and 'must be demonstrated' in relation to habitat creation as part of the development process. Biodiversity should be seen by all as a positive part of everyday life and not as a hindrance to development.

- The Environment Act requires a Biodiversity Net Gain for new development. While the recognised minimum gain is 10%, DWT would like the council to recognise the uniquely valuable environment and biodiversity of the city and its surrounds and require a Biodiversity Net Gain of 20%, with the multiple benefits that will bring to the place and people of Exeter. East Devon District Council has included a requirement for 20% Biodiversity Net Gain within their recent Local Plan. Now that a precedent has been set within Devon, we urge ECC to adopt a similar approach.

- The Environment Act brings Local Nature Recovery Strategies (LNRS) into law. This demands that new development adheres to the strategy and the associated habitat map, which in Devon is currently being developed by the Responsible Authority, Devon County Council. We note that reference to LNRS is limited to a single policy which relates only to biodiversity. For LNRS to be effective, their use must be embedded throughout the Local Plan. We identify the need for environment, nature, nature recovery and climate change to be embedded throughout the plan and given the weight and level of resource needed to deliver positive enhancements in these areas.

- We welcome the recognition that ECC has given to the climate crisis, however DWT urges the council to publicly acknowledge the biodiversity emergency that is intrinsically linked to the climate emergency. Many of the same actions would benefit both but ensure a joined-up approach that puts nature recovery at the heart of a climate resilience approach.

- While it is generally preferable to target brownfield sites for development (in order to minimise further development of greenfield sites), it should be recognised that brownfield sites often support a wealth of wildlife, providing a network of sites across an urban area, creating islands and corridors for wildlife across otherwise inhospitable environments. Where possible, sites should be retained/enhanced for nature where they provide important habitats and opportunities for nature recovery in the city. The Exeter Biodiversity Reference Map is an excellent resource that should be updated and used as a central tool for steering development in the city.

- The use of photographs within the document is limited to the front page. This is a missed opportunity. Photos can be used throughout the document to demonstrate good practice. The biodiversity value of the city should be fully integrated within developments, providing space for wildlife, adding interest and place-making to developments, providing engagement and wellbeing opportunities with local communities and providing other ecosystems services. It would be good to start this process by including the right messaging within this document. The photograph of the high street in the top left hand corner could be replaced. ECC should be striving to include nature in every facet of the authority boundary. This includes high streets, which should include trees, hanging baskets, planters etc. This is particularly important in a heavily urbanised environment to create shading, reduce temperatures during heatwaves and slow down drainage, in addition to the myriad additional benefits including carbon storage and enhancement of biodiversity.

Modifications: -

Requested to attend examination?: -

Ref: D-04-00-X

Representor: Diocese of Exeter

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Thank you for the opportunity to comment on the Exeter Plan draft. This response is made on behalf of the Dean and Chapter of Exeter, and has been prepared with input from members of the Cathedral Chapter and Fabric Advisory Committee, and the Cathedral Archaeologist.

We applaud the high aspiration of the plan in relation to Heritage and Culture. The two areas in which we wish to register a concern do not detract from the many strengths of the plan.

We have in earlier conversations and representations raised these concerns before, and are grateful for the ways in which these representations appear to have had some influence on the plan, and would urge far more developed proposals in these areas. Thank you for your attention to these concerns. We would wish to have the opportunity to participate in the hearing sessions.

Modifications: -

Requested to attend examination?: -

Ref: D-06-00-Xa

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: 4.15/glossary

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: -

Comments: The term 'high quality' is used 92 times in the Local Plan draft document. However, there is no definition of this term and it remains unclear how is this to be gauged? Is there a requirement for, say, all large-scale developments to be reviewed by a designated independent peer-led design review panel to agree whether 'high quality' is achieved in the application proposals?

Modifications: Define the term 'high quality' in the Glossary, e.g. High Quality Design in relation to [Underline] National Design Guide [Underline] and [Underline] National Model Design Codes [Underline]. Include for high-impact developments the explicit terms of a qualified design officer and / or the judgement of a design review panel to underpin and reinforce design decision-making.

Requested to attend examination?: No

Ref: D-06-00-Xb

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: -

Modifications: ECS recommends to correct the following typo, spelling and grammar mistakes.
[highlight] [Add typos before 10.9] [highlight]

It should read:

H11.g.: it must read 'In the case [bold] of [bold] permanent accommodation'.

9.39, end: 'Strategy[bold].[bold]' [bold] [full stop is missing] [bold]

10.9: 'Project, conserve and enhance the existing [bold] trees [bold] and [...]'

HH1, second paragraph: '[...] when they conserve and, where appropriate, enhance or [bold] reveal the [bold] significance of the asset [...]'

13.4: '[bold] These [bold] Liveable Exeter principles [...]'

15.30: it must read 'designed to meet' [delete [bold] be [bold]]

p.132, heading before 15.40: 'New cemetery provision' needs to be highlighted as second degree heading without indent, like the one on p.129.

Requested to attend examination?: No

Ref: D-06-00-Xc

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: [bold] Throughout the Exeter Plan: clear and easy referencing [bold]

ECS still is not satisfied with the structural and systematic layout of the policies. Our comments in a previous round of consultations have not been fully taken on board. Some examples can illustrate that there is still no unambiguous and easy referencing possible in policies:

- a) which include two or more lists (e.g. STC2, STC3, STC4). It would be good in these cases to number the main paragraphs, so one can refer to individual point as, for example, STC2,2c.
- b) which include long lists of policy contents, such as e.g. STC5, where numbering the paragraphs would simplify any reference to a specific point.

Modifications: ECS suggests to provide each paragraph in a policy with an Arabic number, then use the small alphabet for any lists within an Arabic number paragraph. If a further level of subdivision is needed, that should be counted in Roman numbers.

The unambiguous and clear to reference structure of STC4, for example, would then look as follows:

- 1.
- 2. a-h
- 3. a-e
- 4. a-c
- 5.
- 6. a
- 7, a-c
- 8

Requested to attend examination?: No

Ref: D-07-00-X

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Thank you for consulting with the Home Builders Federation (HBF) on the Exeter Plan: Publication Plan – Regulation 19 consultation.

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

The HBF notes that the NPPF and the standard method for calculating housing need were published during this consultation of the Exeter Plan, and that this is likely to have implications for the production of the Plan and the policies it contains. The HBF notes that the 2024 NPPF[1] states that for the purpose of preparing local plans, the policies in this version of the Framework will apply from 12 March 2025 other than where the plan has reached Regulation (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need.

The HBF also notes that the 'Building the homes we need' the Written Ministerial Statement (WMS) from Angela Raynor on 30th July 2024 highlights the importance of everyone local authority having a development plan in place, and states that for plans at an advanced stage of preparation (Regulation 19), allowing them to continue to examination unless there is a significant gap between the Plan and the new local housing need figure, in which case we propose to ask authorities to rework their plans to take account of the higher figure.

The HBF is keen to ensure that Exeter prepares a sound Local Plan that can be taken through to adoption and offers the following comments on certain aspects of the Plan, which could help to create the most appropriate Plan.

Plan Period

The Plan runs for the period 2021 to 2041. The HBF considers that the Council should ensure that the Plan covers a period of 15 years from the adoption of the Plan. The NPPF[2] states strategic policies should look ahead over a minimum 15-year period from adoption and that where larger scale developments form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take in account the likely timescale for delivery. To ensure that the Plan covers the full 15 years on adoption, this requires the Plan to be adopted in 2026. The HBF considers that this is unlikely, and the Plan period should be extended until at least 2042.

[...]

Future Engagement

I trust that the Council will find these comments useful as it continues to progress its Local Plan. I would be happy to discuss these issues in greater detail or assist in facilitating discussions with the wider house building industry.

The HBF would like to be kept informed of all forthcoming consultations upon the Local Plan and associated documents. Please use the contact details provided below for future correspondence.

The HBF would like to participate in any hearing sessions associated with the examination of the Pendle Local Plan, this will allow the HBF to represent the industry and to address any relevant points raised at the examination.

[1] NPPF 2024 paragraph 234

[2] NPPF December 2024 Paragraph 22 / NPPF December 2023 paragraph 22

Modifications: -

Requested to attend examination?: Yes

Ref: G-28-00-X

Representor: Richard Smith

Chapter/section of the Exeter Plan: General/Whole Plan

Policy: General/Whole Plan

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: There should be a general provision in the Exeter Plan that mandates buildings within new developments must not be any more than two stories higher than their lowest neighbours.

Modifications: -

Requested to attend examination?: -

Ref: A-03-01-X

Representor: Mid Devon District Council

Chapter/section of the Exeter Plan: 01 - Explaining the Exeter Plan

Policy: -

Paragraph: 1.14

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: Yes

Comments: It is consistent with national planning policy. We support the inclusion of a new section "The local planning context" and specifically paragraph 1.14 which recognises the need for collaborative planning efforts between Exeter and other District Councils...for creating a cohesive development strategy for the wider area. While this is consistent with paragraphs 24 to 26 in the section "maintaining effective cooperation" in the previous version of the NPPF (December 2023) against which it is intended the Exeter Plan will be examined, it is also consistent with the Governments objective to promote a more strategic approach to planning by strengthening cross-boundary collaboration, ahead of legislation to introduce mandatory mechanisms for strategic planning.

The inclusion of paragraph 1.14 is consistent with paragraphs 24 to 26 in the section "maintaining effective cooperation" in the previous version of the NPPF (December 2023) against which it is intended the Exeter Plan will be examined.

Modifications: -

Requested to attend examination?: No

Ref: C-32-01-X

Representor: South West Housing Association Planning Consortium

Chapter/section of the Exeter Plan: 01 - Explaining the Exeter Plan

Policy: -

Paragraph: 1.17

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: Paragraph 1.17 outlines the implications of recent national planning reforms and sets out that because the Exeter Plan progressed to Publication Plan stage before the updated National Planning Policy Framework (NPPF) was published, the Plan accords with the December 2023 version of the NPPF. It also specifies that the draft Plan meets the housing requirements which were set out prior to the 2024 national consultation. The SWHAPC agrees with this consensus and is satisfied with the justification provided in the Publication Plan.

Modifications: -

Requested to attend examination?: -

Ref: D-06-01-X

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 01 - Explaining the Exeter Plan

Policy: -

Paragraph: 1.3

Site: -

Legally Compliant?: No

Sound?: -

Duty to Co-operate?: -

Comments: It is unclear in the documentation provided (in relation to the consultation processes regarding the development of Local Plan) which parties have been formally invited to review the plan and whether they have been given adequate time for review. Where is the full list of local agencies and/or groups that have been consulted and how were these lists created? For example, in the development of the draft Plan were the proposals discussed with CoLab, Neighbourhood Builders, the Climate Action Hub, Exeter Community Action Group or local young people.

Has the level of consultation been adequate for a new Local Plan?

Modifications: There should be a list of all represented local bodies who have been consulted in the preparation of the Local Plan and the consultation methods and techniques that were used in order to ensure effective consultation was achieved.

Requested to attend examination?: No

Ref: F-01-01-X

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: 01 - Explaining the Exeter Plan

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: F-01-02-X

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: 02 - Exeter: Ancient City, ambitious future

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: G-11-02-X

Representor: Hilary Winter

Chapter/section of the Exeter Plan: 02 - Exeter: Ancient City, ambitious future

Policy: -

Paragraph: 2.7

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Paragraph 2.7 refers to diverse ethnic groups making up Exeter's cultural and social fabric which help to set the city apart from the surrounding rural area. This wording feels divisive and unfortunate and should be removed, as indicated in section 3.c.

2.7 The diverse ethnic groups that make up Exeter's cultural and social fabric help to set the city apart from the surrounding rural area and provide for a vibrant community. Exeter's strong sense of community is further reflected in its passionate support for local sports, with Exeter City Football Club and Exeter Chiefs Rugby Club playing significant roles in the city's cultural and social life.

Modifications: 2.7 The diverse ethnic groups that make up Exeter's cultural and social fabric provide for a vibrant community. Exeter's strong sense of community is further reflected in its passionate support for local sports, with Exeter City Football Club and Exeter Chiefs Rugby Club playing significant roles in the city's cultural and social life.

Requested to attend examination?: No

Ref: B-06-03-X

Representor: National Highways

Chapter/section of the Exeter Plan: 03 - This is our city, this is our future

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: National Highways recognises the 'Vision' underpinning The Exeter Plan is aligned with the 'Exeter Vision 2040' adopted in 2019. The Vision seeks to deliver a liveable and connected city, leading the way in terms of sustainability and activity levels.

National Highways consider that the Vision and Spatial Strategy underpinning the Exeter Plan are complementary and welcome the intention to limit the need to travel and support local accessibility to everyday services and facilities.

Modifications: -

Requested to attend examination?: Yes

Ref: C-04-03-X

Representor: Blocwork

Chapter/section of the Exeter Plan: 03 - This is our city, this is our future

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Blocwork welcome and share the aims and objectives of the draft Plan. Blocwork are committed to developing projects that involve creating lasting, liveable places which aligns with the Plans overall vision.

A core objective of the Plan and the Exeter Vision 2040 is to support residents to have homes that are secure, affordable and healthy. Blocwork supports this ambition which represents an important step in the right direction, but this must be matched by a robust approach ensuring that development will be viable and hence delivered. The delivery of much needed new homes will need to be balanced alongside other land uses including commercial and community facilities to ensure sustainable growth for all.

The Plan also seeks to actively respond to the climate and ecological emergencies in securing sustainable development and seeks to make efficient use of under-used land which includes transforming some areas of the city to create communities with new homes, workplaces and public open spaces. These aims are wholly supported by Blocwork.

Modifications: -

Requested to attend examination?: Yes

Ref: D-03-03-X

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: 03 - This is our city, this is our future

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: DWT is hugely concerned that no reference to the environment is made in the vision or key outcomes of the plan. The environment is the foundation of the city, and its absence as a cornerstone of the plan sends a message that environment and wildlife are not considered important by Exeter City Council, undermining the council's declaration of a climate emergency.

Biodiversity loss and climate change are prominently leading to drastic changes that threaten the human environment - for example the increased impact of floods, droughts, heatwaves and storms. Yet there is clear evidence that nature recovery, building nature into developments and embedding nature-based solutions into our ways of working can mitigate these impacts.

Modifications: We strongly recommend that the summary of the vision and key outcomes are revised to include specific reference to the environment. It is essential that wildlife and environmental decisions are tackled at the earliest possible stage of the planning process. Previous experience tells us that where this is pushed back, poor outcomes for wildlife and the environment are the result. The environment must form the backbone of any Local Plan.

Requested to attend examination?: -

Ref: D-06-03-X

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 03 - This is our city, this is our future

Policy: -

Paragraph: 3.8 to 3.10

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The paragraphs 3.8-3.10 under 'Delivering a vision' should be (mainly) deleted, as they unnecessarily refer to details which are of minor historic importance. It is questionable whether the Exeter Plan is only a tool for delivering the 'Exeter Vision 2040'.

Modifications: ECS suggests the following wording to substitute 3.8-3.10:

The City Council delivers Exeter's Vision on the basis of the 'Exeter Vision 2040' document and other City Council plans, including the Corporate Plan and the strategies of key institutions and partners, will play a vital role in delivering the Exeter Plan.

Requested to attend examination?: No

Ref: D-07-03-X

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 03 - This is our city, this is our future

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Vision and Objectives

The HBF suggests that the Vision for Exeter should include reference to the need to meet the current and future housing needs of the whole community, including for market and affordable housing. The Local Plan should also recognise the connection between housing and the future aspirations for the local economy.

Modifications: Vision and Objectives

The HBF suggests that the Vision for Exeter should include reference to the need to meet the current and future housing needs of the whole community, including for market and affordable housing. The Local Plan should also recognise the connection between housing and the future aspirations for the local economy.

Requested to attend examination?: -

Ref: D-09-03-X

Representor: RSPB

Chapter/section of the Exeter Plan: 03 - This is our city, this is our future

Policy: -

Paragraph: 3.2

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: It is not clear that “sustainable” encompasses biodiversity.

Modifications: RSPB recommends that the wording is revised so that there is a specific mention of biodiversity, eg, that Exeter is a “leading sustainable and biodiversity-rich city” to demonstrate that the Local Plan does include the protection and recovery of biodiversity. Such a mention would accord with the National Planning Policy Framework (latest edition December 2024) requirement that planning policies and decisions should contribute to and enhance the natural and local environment. By having a clear mention of biodiversity in the over-arching vision, the Local Plan makes clear its commitment to protecting and enhancing the natural environment.

Requested to attend examination?: No

Ref: F-01-03-X

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: 03 - This is our city, this is our future

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: G-16-03-X

Representor: Jon Worsley (Devon and Somerset Fire and Rescue Service)

Chapter/section of the Exeter Plan: 03 - This is our city, this is our future

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: B-06-04-X

Representor: National Highways

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The proposed Spatial Strategy is focussed on the redevelopment of brownfield sites close to the city centre and those located on transport routes to minimise the need to travel and facilitate sustainable modes.

National Highways consider that the Vision and Spatial Strategy underpinning the Exeter Plan are complementary and welcome the intention to limit the need to travel and support local accessibility to everyday services and facilities.

Whilst the Spatial Strategy seeks to enable traditional and new forms of employment provision within the city, it also commits the City Council to work with neighbouring Councils to ensure that the employment needs of the wider functional area are met. An Economic Development Needs Assessment (EDNA) concluded that some of the future economic growth stimulated by the city will need to be accommodated in adjoining local authority areas. With future employment growth in the city fringe, the SRN will continue to be used for longer distance commuting and out-commuting to the city fringe is likely to become more prevalent. The location of major employment sites on the periphery of the city and to the east of the M5 could also limit the ability to utilise some existing facilities for active and sustainable travel, particularly rail.

Modifications: -

Requested to attend examination?: Yes

Ref: G-16-04-X

Representor: Jon Worsley (Devon and Somerset Fire and Rescue Service)

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: A-03-04-S1

Representor: Mid Devon District Council

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: S1.2

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: Yes

Comments: It is consistent with national planning policy. We support the inclusion of a new Clause 2 "Working with neighbouring councils to ensure that the employment needs of the wider functional economic area are met". While this is consistent with paragraphs 24 to 26 in the section "maintaining effective cooperation" in the previous version of the NPPF(December 2023) against which it is intended the Exeter Plan will be examined, it is also consistent with the Governments objective to promote a more strategic approach to planning by strengthening cross-boundary collaboration, ahead of legislation to introduce mandatory mechanisms for strategic planning.

The inclusion of Clause 2 in Policy S1 is consistent with paragraphs 24 to 26 in the section "maintaining effective cooperation" in the previous version of the NPPF (December 2023) against which it is intended the Exeter Plan will be examined.

Modifications: -

Requested to attend examination?: No

Ref: A-03-04-S1

Representor: Mid Devon District Council

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: S1.3

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: It is consistent with national planning policy. We support the inclusion of Clause 3 with reference to "enabling traditional" forms of employment, which is consistent with the NPPF (December 2023) against which it is intended the Exeter Plan will be examined, paragraph 87, which states planning policies and decisions should recognise and address the specific locations requirements of [bold] different sectors [bold]" (our emphasis in bold). Traditional forms of employment provision will need to be supported alongside new forms of employment provision.

Modifications: -

Requested to attend examination?: No

Ref: B-02-04-S1a

Representor: Environment Agency

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: 4.5

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: Para 4.5: We support the specific reference to protection of the River Exe.

Modifications: -

Requested to attend examination?: -

Ref: B-02-04-S1b

Representor: Environment Agency

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: We welcome the additional wording reference to 'Climate change adaptation and resilience' in the policy.

Modifications: -

Requested to attend examination?: -

Ref: B-02-04-S1c

Representor: Environment Agency

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: Bullets 7, 8 and 12

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: Bullets 7, 8 and 12: Supported for reasons of Carbon reduction and flood risk resilience and adaptation.

Modifications: -

Requested to attend examination?: -

Ref: B-02-04-S1d

Representor: Environment Agency

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: Bullet 10

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: Bullet 10: We welcome the wording regarding "enhancement" and "improvement" of biodiversity and the Exe ecology in this point.

Modifications: -

Requested to attend examination?: -

Ref: B-02-04-S1e

Representor: Environment Agency

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: Bullet 15

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: Bullet 15: We welcome this in reference to Waste water treatment works and sewerage infrastructure upgrades and assessment to ensure new development is sustainable and does not negatively impact this aspect of the environment.

Modifications: -

Requested to attend examination?: -

Ref: B-03-04-S1

Representor: Historic England

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: In relation to the historic environment, we welcome adjustments that have been made to the Spatial Strategy subsequent to consultation on the Full Draft Exeter Plan.

The new supporting evidence (Views, Density and Heights Study and Heritage Impact Assessment) also assists with evidencing that the strategic focus on brownfield sites is likely to be achievable without undue harm to the historic environment, subject to changes we have requested to the Plan.

Modifications: -

Requested to attend examination?: -

Ref: B-07-04-S1

Representor: Natural England

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: 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.

Modifications: -

Requested to attend examination?: -

Ref: C-03-04-S1

Representor: Anne Codner

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Overall, we support the proposed spatial strategy set out in draft Policy S1, particularly the importance of focussing where possible on brownfield land within the city centre to make most efficient use of land.

However, as well as a focus on brownfield land, it is considered that Policy S1 should also make it clear that this focus includes land 'surplus to requirements'.

We support the intention of the draft Plan to ensure that it provides for "good quality homes of a variety of types in the city to meet Exeter's needs". Further, the draft Plan should provide for a wide range of deliverable and developable sites across the city in order to provide competition and choice and to ensure that housing needs are met in full, with a range of sites proposed for allocation.

Modifications: We therefore suggest that point 5 in the draft policy is amended as follows:

[italic] "Enabling the development of smaller brownfield sites, [underline] or other sites which are surplus to requirements, [underline] as they become available". [italic]

It will therefore be important to ensure allocated sites are deliverable. In this respect, we consider that the Land Opposite 51 Homefield Road (site 148), is very well placed to accommodate development in accordance with the draft spatial strategy, as a site surplus to requirements close to the city centre and key public transport. Given the significant demand for housing in the city, maximising the use of sustainably located sites within the city will need to be an important focus for the draft Plan.

Requested to attend examination?: Yes

Ref: C-05-04-S1

Representor: Bloor Homes Exeter and Stuart Partners Ltd

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: Despite acknowledgement within the plan and evidence base of a significant sub-regional context for the City of Exeter (shared with neighbouring authorities including, but not limited to, East Devon), the policies in the plan do not positively and proactively address this context and shared ambition for sustainable development within this part of Devon. This impacts adversely on policies within the plan relating to the provision housing, the provision of employment land and delivery of economic growth, and infrastructure. As covered in response to other policies, to be positively prepared:

- the plan should look to meet more ambitious levels of housing within the City (or otherwise quantify shortfall which should be met within the wider Housing Market Area in collaboration with neighbours);
- the plan should more positively looks to address the affordability of housing, including the delivery of affordable housing, where the strategy based on brownfield regeneration may result in relatively low levels of new provision;
- the plan should quantify, with far greater clarity and precision, the level of jobs that are being planned for (as part of a strategy to boost economic growth), how needs are being met in full, and if there are residual needs, how these have been addressed via collaborative working with neighbouring authorities.

The Plan and associated Duty to Cooperate Statement does not deal with substantive issues of unmet housing needs or unmet economic development needs that would likely arise from the policies of the plan, and which should be addressed in a collaborative way with neighbouring authorities in order to meet the requirements of national planning policy and best promote sustainable development in this part of Devon.

The Plan and associated Duty to Cooperate Statement does not provide clarity that strategic infrastructure issues (including transport) have been robustly co-ordinated across the wider sub-regional area

Modifications: The Plan should be further reviewed and modified in order to ensure that the full housing and economic development needs of the city, within its sub-regional context, are being identified and met. Where there are unmet or residual needs these should be clearly stated in order to provide for effective collaboration with neighbours as part of the Duty to Cooperate.

Requested to attend examination?: Yes

Ref: C-06-04-S1

Representor: Broom

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy S1 [bold]

Proposed Policy S1 sets the spatial strategy for the Exeter Vision 2040 and identifies 15 elements to delivering development in Exeter.

[bold] Element 1 [bold]

Element 1 seeks to provide good quality homes of a variety of types in the City to meet Exeter's various needs.

This element seeks to ensure that the City's housing needs are met. Exeter's housing requirement is identified 642 new homes per year, and the Exeter Plan indicates it will deliver a supply of 13,975 homes (allowing for a headroom of 1,135 homes).

The adopted Core Strategy set a housing target of at least 12,000 dwellings between 2006 and 2026, equivalent to 600 homes per annum. At the time of the publication of Exeter's Annual Monitoring Report (March 2024 See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]), this was superseded by the standard method housing figure of 642 homes per annum for 2023/24. By March 2024, 8,689 homes had been delivered, equivalent to 483 homes per annum and representing a shortfall of 2,111 homes up to 2024. The headroom figure provided within the Exeter Plan (even if achieved in full) does not account for this shortfall.

Whilst Exeter may have passed the 2023 Housing Delivery Test with a result of 110%, this does not take account of the significant and persistent shortfall which has taken place over the current plan period 2006-2026.

As such the Exeter Plan cannot meet the housing needs of Exeter as it fails to make sufficient land available for new homes. Element 1 is therefore not achievable.

The allocation of land for housing must take into account the shortfall that has taken place historically over the current plan period and allocate sufficient land accordingly. If this cannot be allocated within Exeter's administrative area, neighbouring authorities must, under the Duty to Cooperate, allocate land to meet their needs

and those of neighbouring authorities.

[bold] Element 2 [bold]

Element 2 seeks to work with neighbouring Councils to ensure that the employment needs of the wider functional economic area are met.

Para. 7.6 of the Exeter Plan states that *[italic]* 'the partner authorities (the City Council, East Devon, Mid Devon and Teignbridge District Councils and Devon County Council) are committed to continuing to work together, in accordance with the duty to cooperate, to address any shortfall in employment land to ensure the continued economic success of the wider area'. *[italic]*

However, EDDC propose to object to the Exeter Plan as set out in a report to the EDDC Strategic Planning Committee on the 4th February 2025 (See EDDC Report SPC here [\[embedded link: https://democracy.eastdevon.gov.uk/documents/s26150/3.%20Exeter%20Reg%2019%20Local%20Plan%20consultation.pdf\]](https://democracy.eastdevon.gov.uk/documents/s26150/3.%20Exeter%20Reg%2019%20Local%20Plan%20consultation.pdf)). The objection is on the basis that it fails to make available sufficient land for employment provision. EDDC Officer's recommended response recognises that the Exeter Plan does not refer to the Exeter specific employment land requirement nor how the Exeter Plan has addressed this need. It notes that the Exeter Plan fails to state that it will meet an Exeter quantified need and that *[italic]* 'no request has been made under the duty to co-operate for East Devon District Council to assist in meeting the employment land need identified in the EDNA. The land identified in the emerging East Devon Local Plan 2020-2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.' *[italic]*

Whilst not explicit in the Exeter Plan, as suggested by EDDC, the Exeter Plan appears to rely on the collective land supply for employment across the sub-region, without formal request under the duty to co-operate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

[bold] Element 3 [bold]

Element 3 seeks to enable traditional and new forms of employment provision in the City, developing the transformational sectors and supporting improvements to education and skills to ensure employment needs are met.

This element seeks to ensure that the City's employment needs are met. The EDNA (2023) notes that Exeter is the main office location in Greater Exeter, but that it has insufficient employment land to meet the forecast demand for both offices and industrial development between 2020-2040. The EDNA suggests demand for 21ha (middle range) of office land versus 4ha of supply and 50ha (middle range) of industrial land versus a supply of 7ha.

The Exeter Plan allocates only 3 sites for transformational employment uses amounting to 15.5ha and only two of the five strategic residential-led mixed use allocations include a requirement for new employment provision. Further, despite the omission of North Gate and high performing employment land at Marsh Barton as formal residential-led allocations, their identification as regeneration opportunity areas has the potential to result in a net loss of employment land in Exeter, further worsening the employment land supply shortage. Worryingly, despite the well documented demand for industrial development, neither plan policies nor allocations explicitly encourage, support or allocate land for new industrial development.

As such the Exeter Plan cannot meet the employment needs of Exeter as it fails to make available sufficient land for employment provision, particularly for industrial uses. Element 3 is therefore not achievable.

[bold] Element 4 [bold]

Element 4 seeks to focus the majority of development on strategic brown sites. This is reflected in policy H2 allocations, where the delivery of new homes is focused on brownfield sites.

Whilst a laudable aspiration, recent planning decisions demonstrate that the viability of brownfield redevelopment is fragile and as such a plan which seeks to deliver the vast majority of the City's housing requirement on brownfield land is likely to fail as meeting the housing needs of the City.

Proposed allocation SBA1 Water Lane includes 1,861 new homes and 980 of these homes are subject to planning application reference 23/1007/OUT. The ECC Planning Committee has recently resolved to approve this application, in accordance with the Officer recommendation See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]. The recommendation concluded that the development is unviable both with and without affordable housing provision. A Financial Viability Appraisal (FVA) was included within the application submission, assessed by an independent consultant and considered to be consistent with the RICS Practice Statement and Guidance. The independent assessment of the FVA confirmed that the viability gap is substantial and that the development is unviable. The Committee Report confirms that, due to significant abnormal and additional costs in bringing this brownfield site forward, the development would not be able to provide affordable housing in addition to the infrastructure funding. The Committee Report confirmed that still, even without affordable housing provision, the development is unlikely to proceed without external subsidy or other intervention.

The conclusions of the application FVA is a stark contrast to the findings of the Viability Assessment (VA) of the Exeter Plan (para. 6.5) which found that the brownfield higher density allocations of VA1 Exeter central (which includes SBA1 Water Lane), [italic] 'are broadly viable as tested and able to deliver the general policy requirements'. [italic] The VA (para.6.8) caveats that [italic] 'there is little detail available on site costs or funding mechanisms for the allocation specific policies' [italic] and that [italic] 'the approach taken within the viability assessment is to separately test the likely forms of development and tenures and consider the viability headroom available to meet any site specific cost implications'. [italic] Further, the VA assumes lower values than existing use values, i.e. the viability assumes brownfield land values not existing high value employment use values, resulting in unrealistic outcomes when determining the viability of the Exeter Plan. In light of this (and in noting the outcome of 23/1007/OUT), the accuracy and reliability of the findings of the VA with regard to brownfield allocations is highly questionable. See Viability Assessment of Viability Plan here [embedded link: https://exeter.gov.uk/media/au0dcvqt/local-plan-viability-assessment_final.pdf]

Application reference 23/1007/OUT Water Lane (South) demonstrates that brownfield sites cannot be a reliable source of housing delivery to meet Exeter's housing needs.

As set out in our previous representations, whilst brownfield redevelopment is a cornerstone of sustainable development and is an admirable aim that our client fully supports, viably delivering the vast majority of housing required in the plan period largely on brownfield land in a city, would stifle development, and worsen the documented undersupply of housing in the sub region.

It is reasonable to conclude that greenfield land will need to be released to supplement brownfield land allocations to meet housing need, taking account of the historic shortfall that has taken place over the current plan period. If sufficient land to meet housing need cannot be allocated within Exeter's administrative area, neighbouring authorities must, under the Duty to Cooperate, allocate land to meet their needs and those of neighbouring authorities.

[bold] Element 6 [bold]

Element 6 seeks to consider modest greenfield development as a supplement to the overall focus of brownfield sites.

As above, it is agreed that greenfield development is required to meet Exeter's housing need. However, the extent of greenfield allocations included within the Exeter Plan is not sufficient to supplement brownfield allocations and meet Exeter's housing need. If sufficient land to meet housing need cannot be allocated within Exeter's administrative area, neighbouring authorities must, under the Duty to Cooperate, allocate land to meet their needs and those of neighbouring authorities.

Element 9

Element 9 seeks to protect and enhance the landscape value of sensitive hills which provide the setting to the City.

The Exeter Plan does not allocate sufficient land to meet the housing and employment needs of Exeter. Therefore land must not be arbitrarily protected, all sustainable and deliverable land must be considered for development to ensure the development needs of Exeter can be met.

ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DC's Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Para. 7.6 of the Exeter Plan states that [italic] 'the partner authorities (the City Council, East Devon, Mid Devon and Teignbridge District Councils and Devon County Council) are committed to continuing to work together, in accordance with the duty to cooperate, to address any shortfall in employment land to ensure the continued economic success of the wider area'. [italic]

However, EDDC propose to object to the Exeter Plan as set out in a report to the EDDC Strategic Planning

Committee on the 4th February 2025 (See EDDC Report SPC here [embedded link: <https://democracy.eastdevon.gov.uk/documents/s26150/3.%20Exeter%20Reg%2019%20Local%20Plan%20consultation.pdf>]). The objection is on the basis that it fails to make available sufficient land for employment provision. EDDC Officer's recommended response recognises that the Exeter Plan does not refer to the Exeter specific employment land requirement nor how the Exeter Plan has addressed this need. It notes that the Exeter Plan fails to state that it will meet an Exeter quantified need and that [italic] 'no request has been made under the duty to co-operate for East Devon District Council to assist in meeting the employment land need identified in the EDNA. The land identified in the emerging East Devon Local Plan 2020-2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.' [italic]

Whilst not explicit in the Exeter Plan, as suggested by EDDC, the Exeter Plan appears to rely on the collective land supply for employment across the sub-region, without formal request under the duty to co-operate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Further, ECC is not meeting its historic shortfall within its housing allocations and has not made a formal request to neighbouring authorities to assist in meeting its housing (including affordable housing) shortfall under the duty to cooperate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Our Client's land, whilst located in East Devon, is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter. Consideration should be given to suitable greenfield sites.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-11-04-S1

Representor: CR Down Farming Ltd and Stuart Partners Ltd

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Provision for Housing

The adopted Core Strategy's previous approach was to focus on large, greenfield urban extensions on the edge of the city. As these have now all been built out, ECC acknowledges that there is very limited capacity for additional development on the edges of the city to accommodate their housing needs.[1]

As noted above, Draft EP Policy H1 (Housing Requirement) sets out ECC's proposed approach to meeting the Government's housing requirement for Exeter. An extract of the policy is shown in Figure 2 below.

[screenshot image of Policy H1: Housing requirement]

The draft EP sets a figure of at least 642 new homes to be built in Exeter each year, based on the Standard Method. This equates to 12,840 homes over the twenty year plan period. Headroom has been built into the requirement to give a total requirement of 13,975 homes. The strategy focuses significantly on brownfield development to deliver the majority of homes for the city, with only a modest number of greenfield sites allocated.

This strategy is based on an over-reliance on the delivery of housing on brownfield land for the delivery of market and affordable housing to meet identified needs. The inherent complexities of delivering new market and affordable homes on brownfield land combined with viability challenges is very likely to undermine the efficacy of the draft EP's entire housing strategy. It will just repeat the mistakes of the past, even more so because of the reliance on brownfield land.

It is our contention that there simply is not enough housing land within ECCs administrative area to meet its needs.

Viability

Draft EP Policy S1 (Spatial Strategy) sets out the strategy for delivering development in Exeter, which includes focusing the majority of development on strategic brownfield sites, particularly in locations close to the city centre to support its ongoing vitality and access to public transport hubs. Greenfield development will act as a supplement to the overall focus on brownfield sites.

ECC proposes to meet at least 85% of its housing need on brownfield employment land. This raises a series of

challenges relating to the impact on employment land supply and viability, since some of the allocations are on what might be termed “high performing” employment sites.

The viability of brownfield development is seen as a key challenge, particularly in the context of affordable housing delivery and the sites allocated in the Draft EP. We are not aware that ECC has undertaken a detailed viability assessment to demonstrate that this strategy is deliverable.

As a matter of principle, the regeneration of brownfield sites can be hindered by a range of constraints, including (but certainly not limited to) derelict structures, below ground obstructions, contamination, poor ground conditions and archaeological features, which is both costly and timely for developers. Contamination and the cost and difficulty involved in remediating it is one of the primary reasons potential regeneration projects fail to reach fruition, especially in areas of unremarkable residential land value.

Furthermore, a number of the draft site allocations included within the draft EP are located within designated flood zones.

Draft Policy CC8 (Flood Risk) requires all development proposals to mitigation against flood risk by adhering to the drainage hierarchy and by utilising sustainable drainage system unless there is clear evidence that this would be inappropriate.

In order to deliver the sustainable regeneration of brownfield areas such as at Water Lane and Marsh Barton, flood risk will need to be mitigated through as yet uncoded flood defence schemes as well as SuDS and other nature-based solutions, and managed through design and site layout to ensure the development is appropriately flood resistant and resilient. Not only will this lead to time delay but it will further impact on scheme viability.

Viability is at the heart of policy making and whilst ECC’s brownfield redevelopment aims are commendable, for the Local Plan to be “sound”, it is paramount that it can be demonstrated that such an approach is viable and deliverable.

Furthermore, it is considered that the reliance upon brownfield sites to deliver a significant number of the housing needs will prejudice the delivery of affordable homes.

Draft EP Policy [H4] (Affordable Housing) sets out the broad requirements for when developments are required to deliver affordable housing, including the types and proportions of affordable housing required.

[screenshot image of Policy H4: Affordable housing]

As affordable housing is a negotiable contribution, it is highly likely that viability arguments associated with brownfield development could end up with schemes delivering a reduced number of affordable homes or none at all. This is already being seen in Exeter city centre with the co-living scheme at the Harlequins Centre now being reviewed such that the 76 affordable homes (at a level of 20%) have been removed from the scheme on viability grounds in lieu of a financial contribution for off-site delivery on an as yet unspecified site.

We therefore consider that this approach to the spatial strategy is unviable and undeliverable, making the entire housing strategy – and with it the draft EP - unsound.

Impact on Employment Land Supply

85% of ECC’s housing need is proposed to be met on existing employment land. However, there is only a finite

supply of such land within the administrative area of Exeter, which ECC acknowledges.

Draft Policy EJ2 (Retention of Employment Land) seeks to protect the established employment areas at Southernhay, Matford, Pinhoe, Sowton, Exeter Business Park, Pynes Hill and Peninsula Park.

The competing objectives of protecting existing employment land and delivering sufficient housing would therefore seem to be incompatible, such that the strategy is called into question.

[Footnotes]

[1] Paragraph 4.4 of the draft Exeter Plan

Modifications: [...] The viability of brownfield development is seen as a key challenge, particularly in the context of affordable housing delivery and the sites allocated in the Draft EP. We are not aware that ECC has undertaken a detailed viability assessment to demonstrate that this strategy is deliverable. [...]

Requested to attend examination?: Yes

Ref: C-22-04-S1

Representor: Hamilton Estates

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: S1.5

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: [Legal compliance:] No further comments necessary.

[Soundness:] We support the reference at para. 5) to enabling the development of brownfield sites as they become available. We understand the Councils focus on brownfield sites for delivering sustainable patterns of development in the City and that such sites should be brought forward at every available opportunity if the objectives of the Plan are to be achieved.

[Duty to cooperate:] No further comments necessary

Modifications: -

Requested to attend examination?: No

Ref: C-23-04-S1

Representor: Heritage Developments (South West) Ltd

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: Bullet 6

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: [Legal compliance:] No further comments necessary

[Soundness:] Draft Policy S1 where it states at sub para. 5) that the Council will 'enable' smaller brownfield sites as they become available (we assume 'enable' means granting planning permission) but that it will only consider modest greenfield development as a supplement to the overall focus on brownfield sites (sub para. 6). In our view, such an approach is too negative. The Council should, in our view, create a strategy that includes the potential for the delivery of as wide a variety of deliverable sites as possible in various locations providing the resulting development is sustainable. This includes both allocations and windfall development. A greater mix of sites in a variety of locations will create flexibility and lead to a better response from the development industry, who, ultimately, are the providers of the majority of housing in the UK. The policy as it stands does not support positive planning and is not justified. It fails to meet the objective of the NPPF para. 16. b).

[Duty to cooperate:] No further comments necessary.

Modifications: Policy S1 sub para. 6) should be reworded accordingly to state that greenfield sites will be considered appropriate and contribute towards meeting the housing requirement providing the site in question contributes to the overall spatial strategy as set out in the Plan and that the development can be deemed sustainable.

Requested to attend examination?: No

Ref: C-25-04-S1

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Overall, Morgan Real Estate support the proposed spatial strategy set out in draft Policy S1, particularly the importance of focussing where possible on brownfield land within the city centre to make most efficient use of land.

The draft East Gate allocation (Policy SBA2) is precisely the type of site the Council should be looking to identify for mixed use regeneration. Key sites within the city centre, such as East Gate can make a valuable contribution to the new plan, through the delivery of new homes, employment, community uses and others.

We support the intention of the draft Plan to ensure that it provides for “good quality homes of a variety of types in the city to meet Exeter’s needs”. The draft Plan should provide for a wide range of deliverable and developable sites across the city in order to provide competition and choice and to ensure that housing needs are met in full, with a range of sites proposed for allocation.

However, given the significant demand for housing in the city, maximising the use of sustainably located sites within the city centre will clearly be an important focus for the draft Plan.

Modifications: -

Requested to attend examination?: Yes

Ref: C-32-04-S1

Representor: South West Housing Association Planning Consortium

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The SWHAPC is pleased to see that the Council continues to recognise that the future provision of affordable housing in Exeter is addressed in its Spatial Strategy, including in part 1 of draft Policy S1 and principle 3 of draft Policy S2 which both encourage high quality, affordable, homes catering for local needs.

Modifications: -

Requested to attend examination?: -

Ref: C-34-04-S1

Representor: Stuart Partners Ltd 18002

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy S1 [bold]

Proposed Policy S1 sets the spatial strategy for the Exeter Vision 2040 and identifies 15 elements to delivering development in Exeter.

[bold] Element 1 [bold]

Element 1 seeks to provide good quality homes of a variety of types in the City to meet Exeter's various needs.

This element seeks to ensure that the City's housing needs are met. Exeter's housing requirement is identified 642 new homes per year, and the Exeter Plan indicates it will deliver a supply of 13,975 homes (allowing for a headroom of 1,135 homes).

The adopted Core Strategy set a housing target of at least 12,000 dwellings between 2006 and 2026, equivalent to 600 homes per annum. At the time of the publication of Exeter's Annual Monitoring Report (March 2024 See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]), this was superseded by the standard method housing figure of 642 homes per annum for 2023/24. By March 2024, 8,689 homes had been delivered, equivalent to 483 homes per annum and representing a shortfall of 2,111 homes up to 2024. The headroom figure provided within the Exeter Plan (even if achieved in full) does not account for this shortfall.

Whilst Exeter may have passed the 2023 Housing Delivery Test with a result of 110%, this does not take account of the significant and persistent shortfall which has taken place over the current plan period 2006-2026.

As such the Exeter Plan cannot meet the housing needs of Exeter as it fails to make sufficient land available for new homes. Element 1 is therefore not achievable.

The allocation of land for housing must take into account the shortfall that has taken place historically over the current plan period and allocate sufficient land accordingly. If this cannot be allocated within Exeter's administrative area, neighbouring authorities must, under the Duty to Cooperate, allocate land to meet their needs

and those of neighbouring authorities.

[bold] Element 2 [bold]

Element 2 seeks to work with neighbouring Councils to ensure that the employment needs of the wider functional economic area are met.

Para. 7.6 of the Exeter Plan states that *[italic]* 'the partner authorities (the City Council, East Devon, Mid Devon and Teignbridge District Councils and Devon County Council) are committed to continuing to work together, in accordance with the duty to cooperate, to address any shortfall in employment land to ensure the continued economic success of the wider area'. *[italic]*

However, EDDC propose to object to the Exeter Plan as set out in a report to the EDDC Strategic Planning Committee on the 4th February 2025 (See EDDC Report SPC here <https://democracy.eastdevon.gov.uk/documents/s26150/3.%20Exeter%20Reg%2019%20Local%20Plan%20consultation.pdf>). The objection is on the basis that it fails to make available sufficient land for employment provision. EDDC Officers recommended response recognises that the Exeter Plan does not refer to the Exeter specific employment land requirement nor how the Exeter Plan has addressed this need. It notes that the Exeter Plan fails to state that it will meet an Exeter quantified need and that *[italic]* 'no request has been made under the duty to co-operate for East Devon District Council to assist in meeting the employment land need identified in the EDNA. The land identified in the emerging East Devon Local Plan 2020-2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.' *[italic]*

Whilst not explicit in the Exeter Plan, as suggested by EDDC, the Exeter Plan appears to rely on the collective land supply for employment across the sub-region, without formal request under the duty to co-operate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

[bold] Element 3 [bold]

Element 3 seeks to enable traditional and new forms of employment provision in the City, developing the transformational sectors and supporting improvements to education and skills to ensure employment needs are met.

This element seeks to ensure that the City's employment needs are met. The EDNA (2023) notes that Exeter is the main office location in Greater Exeter, but that it has insufficient employment land to meet the forecast demand for both offices and industrial development between 2020-2040. The EDNA suggests demand for 21ha (middle range) of office land versus 4ha of supply and 50ha (middle range) of industrial land versus a supply of 7ha.

The Exeter Plan allocates only 3 sites for transformational employment uses amounting to 15.5ha and only two of the five strategic residential-led mixed use allocations include a requirement for new employment provision. Further, despite the omission of North Gate and high performing employment land at Marsh Barton as formal residential-led allocations, their identification as regeneration opportunity areas has the potential to result in a net loss of employment land in Exeter, further worsening the employment land supply shortage. Worryingly, despite the well documented demand for industrial development, neither plan policies nor allocations explicitly encourage, support or allocate land for new industrial development.

As such the Exeter Plan cannot meet the employment needs of Exeter as it fails to make available sufficient land

for employment provision, particularly for industrial uses. Element 3 is therefore not achievable.

Element 4

Element 4 seeks to focus the majority of development on strategic brown sites. This is reflected in policy H2 allocations, where the delivery of new homes is focused on brownfield sites.

Whilst a laudable aspiration, recent planning decisions demonstrate that the viability of brownfield redevelopment is fragile and as such a plan which seeks to deliver the vast majority of the City's housing requirement on brownfield land is likely to fail as meeting the housing needs of the City.

Proposed allocation SBA1 Water Lane includes 1,861 new homes and 980 of these homes are subject to planning application reference 23/1007/OUT. The ECC Planning Committee has recently resolved to approve this application, in accordance with the Officer recommendation See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]. The recommendation concluded that the development is unviable both with and without affordable housing provision. A Financial Viability Appraisal (FVA) was included within the application submission, assessed by an independent consultant and considered to be consistent with the RICS Practice Statement and Guidance. The independent assessment of the FVA confirmed that the viability gap is substantial and that the development is unviable. The Committee Report confirms that, due to significant abnormal and additional costs in bringing this brownfield site forward, the development would not be able to provide affordable housing in addition to the infrastructure funding. The Committee Report confirmed that still, even without affordable housing provision, the development is unlikely to proceed without external subsidy or other intervention.

The conclusions of the application FVA is a stark contrast to the findings of the Viability Assessment (VA) of the Exeter Plan (para. 6.5) which found that the brownfield higher density allocations of VA1 Exeter central (which includes SBA1 Water Lane), [italic] 'are broadly viable as tested and able to deliver the general policy requirements' [italic]. The VA (para.6.8) caveats that [italic] 'there is little detail available on site costs or funding mechanisms for the allocation specific policies' and that 'the approach taken within the viability assessment is to separately test the likely forms of development and tenures and consider the viability headroom available to meet any site specific cost implications' [italic]. Further, the VA assumes lower values than existing use values, i.e. the viability assumes brownfield land values not existing high value employment use values, resulting in unrealistic outcomes when determining the viability of the Exeter Plan. In light of this (and in noting the outcome of 23/1007/OUT), the accuracy and reliability of the findings of the VA with regard to brownfield allocations is highly questionable. See Viability Assessment of Viability Plan here [embedded link: https://exeter.gov.uk/media/au0dcvqt/local-plan-viability-assessment_final.pdf]

Application reference 23/1007/OUT Water Lane (South) demonstrates that brownfield sites cannot be a reliable source of housing delivery to meet Exeter's housing needs.

As set out in our previous representations, whilst brownfield redevelopment is a cornerstone of sustainable development and is an admirable aim that our client fully supports, viably delivering the vast majority of housing required in the plan period largely on brownfield land in a city, would stifle development, and worsen the documented undersupply of housing in the sub region.

It is reasonable to conclude that greenfield land will need to be released to supplement brownfield land allocations to meet housing need, taking account of the historic shortfall that has taken place over the current plan period. If sufficient land to meet housing need cannot be allocated within Exeter's administrative area, neighbouring authorities must, under the Duty to Cooperate, allocate land to meet their needs and those of neighbouring

authorities.

[bold] Element 6 [bold]

Element 6 seeks to consider modest greenfield development as a supplement to the overall focus of brownfield sites.

As above, it is agreed that greenfield development is required to meet Exeter's housing need. However, the extent of greenfield allocations included within the Exeter Plan is not sufficient to supplement brownfield allocations and meet Exeter's housing need. If sufficient land to meet housing need cannot be allocated within Exeter's administrative area, neighbouring authorities must, under the Duty to Cooperate, allocate land to meet their needs and those of neighbouring authorities.

[bold] Element 9 [bold]

Element 9 seeks to protect and enhance the landscape value of sensitive hills which provide the setting to the City.

The Exeter Plan does not allocate sufficient land to meet the housing and employment needs of Exeter. Therefore land must not be arbitrarily protected, all sustainable and deliverable land must be considered for development to ensure the development needs of Exeter can be met.

ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [embedded link: https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DCs Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Para. 7.6 of the Exeter Plan states that 'the partner authorities (the City Council, East Devon, Mid Devon and Teignbridge District Councils and Devon County Council) are committed to continuing to work together, in accordance with the duty to cooperate, to address any shortfall in employment land to ensure the continued economic success of the wider area'.

However, EDDC propose to object to the Exeter Plan as set out in a report to the EDDC Strategic Planning Committee on the 4th February 2025 (See EDDC Report SPC here [embedded link: <https://democracy.eastdevon.gov.uk/documents/s26150/3.%20Exeter%20Reg%2019%20Local%20Plan%20consultation.pdf>]). The objection is on the basis that it fails to make available sufficient land for employment provision. EDDC Officers recommended response recognises that the Exeter Plan does not refer to the Exeter specific employment land requirement nor how the Exeter Plan has addressed this need. It notes that the Exeter Plan fails to state that it will meet an Exeter quantified need and that [italic] 'no request has been made under the duty to co-operate for East Devon District Council to assist in meeting the employment land need identified in the EDNA. The land identified in the emerging East Devon Local Plan 2020-2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.' [italic]

Whilst not explicit in the Exeter Plan, as suggested by EDDC, the Exeter Plan appears to rely on the collective land supply for employment across the sub-region, without formal request under the duty to co-operate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Further, ECC is not meeting its historic shortfall within its housing allocations and has not made a formal request to neighbouring authorities to assist in meeting this shortfall under the duty to cooperate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Our Client's land, whilst located in East Devon, is suitable and available to meet Exeter's (and East Devon's) housing needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter. Consideration should be given to suitable greenfield sites.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-35-04-S1

Representor: Stuart Partners Ltd 24001

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy S1 [bold]

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Whilst Exeter may have passed the 2023 Housing Delivery Test with a result of 110%, this does not take account of the significant and persistent shortfall which has taken place over the current plan period 2006-2026.

As such the Exeter Plan cannot meet the housing needs of Exeter as it fails to make sufficient land available for new homes. Element 1 is therefore not achievable.

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[bold] Element 3 [bold]

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for employment provision, particularly for industrial uses. Element 3 is therefore not achievable.

Element 4

Element 4 seeks to focus the majority of development on strategic brown sites. This is reflected in policy H2 allocations, where the delivery of new homes is focused on brownfield sites.

Whilst a laudable aspiration, recent planning decisions demonstrate that the viability of brownfield redevelopment is fragile and as such a plan which seeks to deliver the vast majority of the City's housing requirement on brownfield land is likely to fail as meeting the housing needs of the City.

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[bold] Element 6 [bold]

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Further, ECC is not meeting its historic shortfall within its housing allocations and has not made a formal request to neighbouring authorities to assist in meeting this shortfall under the duty to cooperate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter. Consideration should be given to suitable greenfield sites where development can be delivered with more certainty.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) housing needs broadly in line with the issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-36-04-S1

Representor: Taylor Wimpey

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The policy is considered unsound as it is not adequately justified and will not be effective.

Parts 4, 5 and 6 of the policy place significant emphasis upon the delivery of brownfield sites with only modest greenfield development anticipated. The NPPF, paragraph 119, identifies 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”

Whilst these elements of the policy conform with paragraph 119 the Council will be aware that the NPPF should be read as a whole and as such a single paragraph or paragraphs should be balanced against others. In the case of housing delivery through the new plan other important elements include:

- The need to deliver a sufficient amount and variety of land where it is needed to meet the Government's objective of significantly boosting the supply of homes (paragraph 60),
- The need to provide the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (paragraph 63),
- Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period (paragraph 67), and
- Planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability (paragraph 69)

Therefore, whilst the re-use of brownfield land clearly has its merits this should not be to the detriment of meeting the needs of all sectors of the community. This will require both brownfield and greenfield sites. To do otherwise would be unjustified and an unsound approach. The Council will be aware that the current government has placed a significant emphasis upon its ambitions to deliver 1.5 million homes over the current parliamentary cycle and through the current (December 2024) NPPF has sought to identify new sources of supply, such as Grey Belt.

Within our comments upon the housing requirement (see Policy H1) we identify the significant increase in the student population within the city since 2006/7. This form of accommodation has provided circa 40% of the housing supply in recent years. Given these issues the Council has under-supplied for other groups of the community, as required by paragraph 63 of the NPPF. Further high-density city centre housing will inevitably continue to appeal to the student market. This type of development needs to be balanced with more ‘family

friendly' forms of housing.

The extant plan, the Core Strategy (adopted in 2012), has a plan period of 2006 to 2026. The Core Strategy seeks to maximise the delivery of previously developed land, seeking to deliver at least 60% of new development on such land. Table 1 of the 2023/24 Authority Monitoring Report (AMR) identifies that once purpose-built student accommodation (PBSA) is removed from the supply the Council has only delivered on average 483 dwellings over the 18-year period of the Core Strategy to date, a shortage of 117 dwellings per annum (dpa) or 2,111 dwellings against the Core Strategy housing requirement (600 dpa) over the plan period. The focus upon brownfield sites has, therefore, clearly failed in the past.

Modifications: The Council needs to be realistic that its strategy is deliverable. This will require detailed viability testing of its strategic sites. The Council's viability evidence 'Local Plan Viability Assessment', published November 2024 (LPVA 2024) only considers these strategic sites in a cursory manner, given the emphasis upon such sites this is considered inadequate. The LPVA 2024 and other supplementary evidence should also consider matters of site assembly and the decanting of existing uses. It should not simply assume that the site is vacant and ready to be developed, as this creates false results.

To address this issue, and in conformity with paragraph 69 of the NPPF the Council should identify a mix of sites, taking into account their availability, suitability and likely economic viability. Whilst it is considered appropriate that brownfield sites are included in this mix, where evidence permits, it is important that they are clearly viable within the plan period. To provide diversity and flexibility in the supply it is important that these brownfield opportunities are supplemented by deliverable greenfield sites which are attractive to different elements of the market.

Requested to attend examination?: -

Ref: C-38-04-S1

Representor: The Guinness Partnership Ltd

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The Guinness Partnership supports the draft Spatial Strategy that seeks to shift the emphasis for housing delivery towards brownfield sites. In order to achieve the Council's housing requirement prescribed by the national Standard Methodology, it must be recognised that this shift in emphasis can only be achieved with a matched shift towards increased densities and scale/height of buildings to maximise the efficiency of sites.

Modifications: In order to provide certainty to developers, the Exeter Plan should contain a tall buildings policy and further clarity over appropriate density scales.

Requested to attend examination?: -

Ref: C-40-04-S1

Representor: TT Group

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Overall, TT Group support the proposed spatial strategy set out in draft Policy S1, particularly the importance of focussing where possible on brownfield land within the city centre to make most efficient use of land.

We also support the intention of the draft Plan to ensure that it provides for “good quality homes of a variety of types in the city to meet Exeter’s needs”. Further, the draft Plan should provide for a wide range of deliverable and developable sites across the city in order to provide competition and choice and to ensure that housing needs are met in full, with a range of sites proposed for allocation.

However, given the significant demand for housing in the city, maximising the use of sustainably located sites within the city centre will clearly be an important focus for the draft Plan. Indeed, key sites within the city centre, such as Exbridge House, can make a valuable contribution to the new plan, through the delivery of new homes.

It will therefore be important to ensure allocated sites are deliverable. In this respect, we consider that Exbridge House (Appendix 1), is very well placed to accommodate development in accordance with the draft spatial strategy, as a brownfield site close to the city centre and key public transport.

Given the significant demand for housing in the city, maximising the use of brownfield sites will need to be an important focus for the draft Plan.

Modifications: [...] In this respect, we consider that Exbridge House (Appendix 1), is very well placed to accommodate development in accordance with the draft spatial strategy, as a brownfield site close to the city centre and key public transport.

Requested to attend examination?: -

Ref: C-41-04-S1

Representor: University of Exeter

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University maintains support for the spatial strategy policy S1. Specific comments are made below on some of the numbered points in the draft policy.

[bold] Policy Point 1 [bold] aims to ensure the provision of a sufficient supply of high-quality homes in a variety of types to meet the needs of the Exeter City Council area. The University supports this objective by continuing to provide student accommodation on its campuses and is committed to maintaining this contribution. Given the substantial student population in Exeter, student housing is a vital component of the city's overall housing supply.

As the University plans for growth through 2040, identifying and securing opportunities for additional purpose-built student accommodation (PBSA) in sustainable locations remains a priority. While the University acknowledges that the Exeter Plan generally supports these objectives through its redevelopment proposals, it believes that explicitly recognising the ongoing demand for PBSA within the plan would be beneficial.

Policy Point 2 [bold] focuses on facilitating new employment opportunities in the city and collaborating with neighbouring councils to meet the employment needs of the broader economic market area. In line with this goal, the proposed Innovation Hub at East Gate is a represents a strategic priority for the University.

Policy Point 3 [bold] prioritises development on large, strategic brownfield sites, particularly those near the city centre, while Point 4 supports the use of smaller brownfield sites as they become available. The University aligns with this approach and endorses these principles.

Within this broader framework, the University is exploring the redevelopment of its St Luke's campus. The proposed redevelopment aims to establish a future health campus, consolidating health and well-being education and scaling up biomedical and clinical research. Additionally, the University anticipates redeveloping the nearby Rowancroft and James Owen Court student accommodation to achieve a net increase in bedspaces within the 2040 plan period.

The University is progressing a new masterplan framework for the St Luke's campus redevelopment and has worked in partnership with the City Council's planning team to realise the site's future potential.

Modifications: -

Requested to attend examination?: No

Ref: C-42-04-S1

Representor: Vistry Group

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: 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.

The Government, through the updated NPPF published in December 2024, have set out their clear intentions to provide the right conditions to substantially increase housing delivery in the UK, setting a target of achieving 370,000 new homes each year. The focus of the updated NPPF is explicitly on overhauling the planning system to address the chronic housing crisis and to support “builders not blockers” and to deliver growth.

The implication of the updated NPPF on Exeter is a significantly increased challenge in the number of homes that are required to be built. Under the new standard method housing requirements will rise significantly from 642 dwellings per annum to 800 dwellings per annum, significantly above past delivery rates. It is noted that the Council are seeking to benefit from the updated NPPF’s transitional arrangements by publishing a Regulation 19 version of the Plan in advance of the cut off of 12th March. Whilst this enables a lower housing requirement to be pursued, this is simply increasing the gap between housing need and supply in the longer term.

Until an adopted Plan is in place the Council are still required to demonstrate a 5-year supply of housing land based on the new standard method. It is clear that this will be challenging for the Council, demonstrated by our calculation (based on the latest supply figure from April 2024) that this would result in just a 3.9 year housing land supply position. This would leave Exeter vulnerable to ad hoc planning applications and appeals and a diversion away from a more planned strategy.

Despite the need to deliver increased levels of housing being a priority for the Council both through development management and plan-making, our clients are concerned that the Publication Draft does not embed this as a key focus. Instead, it appears to continue to rely on sites that are undeliverable, whilst increasing the burden on all development through unrealistic and unviable requirements. As a result, there is a considerable risk that objectives of meeting the fundamental scale of need for housing in Exeter will not be met; real choice will not be created in the housing market to meet the range of such needs; and the overall strategy lacks any true resilience or contingency.

The Plan’s strategy is too heavily focussed on preventing suitable and appropriate greenfield development based on an assumption that the city no longer has capacity. However, this overlooks the benefits of greenfield release can have as part of a mixed brownfield and greenfield strategy in respect of resilience and housing choice.

The Council carries a significant track record in diminishing its own Plan-led strategy in Exeter through its inability to manage housing land supply by not making balanced and necessary decisions when it comes to meeting housing needs. This has resulted in the delivery of some much-needed new homes being reliant on lost appeals, outside of a plan led context as is the case with our clients' site at Land off Pendragon Road, Exeter.

The Publication Draft appears to continue the Council's reluctance to consider suitable and viable greenfield options which has detrimentally impacted upon the delivery of housing in the city. This approach will continue to see the widening of the gap between the most vulnerable in our society who cannot access housing and those already decently housed.

We agree the Plan needs to consider the contribution brownfield sites can make to addressing housing needs. However, given the delivery constraints and lead in times such sites experience, there is still a need to plan appropriately for suitable and deliverable greenfield sites as part of a mixed strategy to provide both resilience and choice to housing delivery.

Also important is the need to ensure that the contribution from greenfield sites assumed within the commitments are safeguarded by including these as allocations. Where, as is the case with Land at Pendragon Road, the consent has been hard fought through the appeal process and found to be a suitable, available and deliverable site it makes no sense not to protect this as part of the Plan Strategy by allocating the site. This will ensure that the sites continue to be seen as a key part of the strategy beyond the 3 year time limit of a consent, should the consent lapse (for reasons outside of the promoter/developer's control). This provides greater certainty and prevents the need for re-visiting the acceptability of the site (potentially through another lengthy and costly appeal process).

Land at Pendragon Road, Exeter

The Council will be aware that our clients' site at Pendragon Road (see site location plan in Appendix 1) was the subject of an allowed appeal in August 2023 (PINs reference: W/22/3298452) and then subsequently the grant of outline consent for up to 100 dwellings by the Council in September 2024 (ECC reference: 22/0511/OUT). In allowing the appeal the Inspector recognised (and gave substantial weight to) the shortfall in housing delivery and the contribution the site would make to both market and affordable housing. This was alongside the clear benefits of biodiversity net gain, employment, provision of open space and improvements to highway safety that would arise. These benefits weighed in favour against what the Inspector considered to be the limited adverse effects of the proposal on landscape character and appearance, with any harm being constrained to site itself and not to the wider tranquillity and rural nature of the fields to the north of Exeter.

The Council's subsequent granting of outline consent gave significant weight to the Inspector's conclusion and considered that the identified benefits of the scheme would continue to outweigh any harm, even in the circumstances of the 'tilted balance' not being engaged.

From the above planning history, it is clear that the site is considered suitable and has been judged as providing significant wider benefits. Whilst it is currently assumed to be in the Council's calculation of commitments, given the significant contribution the site can make to housing delivery (and the positive benefits that will ensue), we would urge the Council to allocate the site within the Plan. In addition, given the nature of the site and its ability to deliver a range of housing including family and affordable housing it offers some balance to the housing strategy of the Publication Draft that as a consequence of the nature of brownfield sites identified appears heavily reliant on student accommodation and flatted development.

Although the site will make a significant contribution to the plan strategy, equal if not more than many of the sites identified for allocation, unlike the allocations the site is vulnerable to a 3 year time period and the risk of lapsing if delivery is delayed even in the very short-term by factors outside of my clients control. This could include a range of matters that can place at risk the commencement of the scheme within the 3 years, including: delays in the determination of condition discharge or reserved matters; availability and seasonality for undertaking supporting information; obtaining technical approval or consents outside of planning; and potential third party negotiations etc.

As the site is clearly further progressed than the allocated sites, having been proven acceptable in in principle and in respect of technical detail through the development management process, it would be a significant loss from the strategy if the above mentioned risks were not appropriately managed. The most effective way of safeguarding against such risk is by identifying the site (and other sites in a similar position) as an allocation.

Modifications: Land at Pendragon Road should be allocated.

Requested to attend examination?: Yes

Ref: C-43-04-S1a

Representor: Waddeton Park Limited

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: 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 have now had the opportunity to review the Publication Draft and note that the Council has at least appeared to have acknowledged the clear deliverability issues of the previous version of the Plan. The removal of Marsh Barton as a strategic allocation seeks at least in part to redress the many concerns raised, including those of our clients, regarding the lack of consideration of the many implementation obstacles that bringing forward that area (in multiple and complex ownership and requiring business relocation on a major scale) would raise.

However, it is disappointing that this change has not led to a tangible refocussing of the overall spatial strategy and the Council's approach to delivering a sufficient supply of housing to meet identified needs. This is despite the Government, through the updated NPPF published in December 2024, making it absolutely clear that there is a need to substantially increase housing delivery in the UK, setting a target of achieving 370,000 new homes each year. The focus of the updated NPPF is explicitly on overhauling the planning system to address the chronic housing crisis and to support "builders not blockers" and to deliver growth.

The implication of the updated NPPF on Exeter is a significantly increased challenge in the number of homes that are required to be built. Under the new standard method housing requirements will rise significantly from 642 dwellings per annum to 800 dwellings per annum, significantly above past delivery rates. It is noted that the Council are seeking to benefit from the updated NPPF's transitional arrangements by publishing a Regulation 19 version of the Plan in advance of the cut off of 12th March. Whilst this enables a lower housing requirement to be pursued, this is simply increasing the gap between housing need and supply in the longer term.

Furthermore, until the Plan is adopted the Council are still required to demonstrate a 5-year supply of housing land based on the new standard method (800 dwellings per annum), based on the Council's latest supply figure from April 2024 we have calculated that this represents a land supply position of under 3.9 years. The need to deliver increased levels of housing must be a priority for the Council both through development management and plan-making and requires a step change away from the traditional focus on constraints and protectionist policies.

On behalf of our clients, we have consistently set out that a Local Plan that over relies on sites that are undeliverable, whilst increasing the burden on all development through unrealistic and unviable requirements will not have been positively prepared and will not be effective.

Despite the removal of Marsh Barton (which my clients welcome), it appears only limited and narrow options have been explored as to how any shortfall of assumed housing delivery on that now defunct strategic allocation could be redistributed. It further appears the approach taken fails to be driven by the objectives of meeting the fundamental scale of need for housing in Exeter; does not seek to provide real choice in the housing market to meet the range of such needs; and lacks any true resilience or contingency needed to reflect the challenges of the strategy. Instead, the Plan, in our view continues to over rely on the undeliverable and unrealistic.

It is noted the overall spatial strategy remains the same as before, focussed on preventing suitable and appropriate greenfield development based on an assumption that the city no longer has capacity. This ignores previous submissions made on behalf of my clients outlining the importance of a mixed brownfield and greenfield strategy. Not only does greenfield release provide for a wider choice of housing across the city it significantly contributes to the over resilience of the Plan.

The Council carries a significant track record in diminishing its own Plan-led strategy in Exeter through its inability to manage housing land supply by not making balanced and necessary decisions when it comes to meeting housing needs. The over reliance on brownfield sites and failure to realise the complexities and lead-in times for delivering them has led to significant vulnerabilities around housing land supply. This has resulted in the delivery of some much-needed new homes being progressed through lost appeals. Of far worse consequence has been the widening of the gap between the most vulnerable in our society who cannot access housing and those already decently housed who as a consequence of the under supply continue to benefit from increasing house prices.

The Publication Draft does not suggest any change in such approach, whilst it removes what clearly was an undeliverable element of the strategy by now omitting Marsh Barton, it fails to grasp the opportunity to look again at the role of appropriate greenfield sites. Instead, the strategy doubles down on the brownfield approach by adding further untried and untested sites in respect viability and deliverability, places even greater reliance on the delivery of Water Lane (which carries many of the same implementation issues as Marsh Barton) and relies on a blanket density increase across many sites without any consideration of appropriateness.

Again then, the Plan's success is based on a series of uncertainties, firstly is there anything to suggest the sites are viable to be delivered at all, secondly given the complexities of bringing brownfield sites forward can they be delivered within the timeframe required and thirdly how feasible is it to deliver at the numbers assumed (taking into account a number of allocations have simply been subject to a multiplier rather than any assessment of site character and context)? All of these uncertainties point to a strategy that is undeliverable and most likely to fail to bring forward the houses required within the Plan period and the undermining of the plan-led approach.

As set out in representations made to the previous version of the emerging Local Plan, it is very short sighted not to seek to plan appropriately for suitable and deliverable greenfield sites as part of a mixed strategy to provide both resilience and choice to housing delivery.

Whilst the Council clearly recognised the dangers of pursuing a strategy reliant on the delivery of Marsh Barton as a strategic allocation and have correctly removed it from housing delivery assumptions, it does raise the question as to why Water Lane has not been treated in the same way given many of the implementation challenges and uncertainties are similar.

Water Lane has proven over the years a demonstrable example of the difficulties the Council has faced in facilitating the redevelopment of large brownfield sites. This is despite a positive policy basis for over 30 years and two previously adopted development plans. Whilst we recognise outline planning consent has recently been resolved to be granted for mixed use development including just under 1000 homes, we would suggest that this

crystalises the problems of delivery.

It is a scheme that is very much compromised by its implementation challenges including viability, flood risk, noise and land contamination. It has resulted in a scheme that proposes no affordable housing, no family housing, is heavily reliant on student accommodation and is proposed to be entirely flatted development. It is understood there has been no market testing of the scheme and to date no developer partner (instead the application is led by a land promoter). We would therefore suggest that despite the resolution to consent the uncertainties of implementation remain significant. Even if it is deliverable in this form, it emphasises our concerns regarding the lack of choice and range of housing that will be created from the scheme and the failure to meet identified needs given the proposed total absence of affordable housing from what is the largest strategic allocation in the Plan.

Given the above and the introduction of a number of new brownfield sites with limited evidence of viability we are concerned the Council are continuing to overlook practical delivery and implementation matters including resulting viability challenges from the heavy tax burden on new residential development (including CIL, S106 and other planning requirements) compared to existing use values. Furthermore, we have previously raised that the work in association with the HELAA in respect of assessing deliverability is flawed and has been found to not be robust and is overly optimistic when scrutinised through 5 -year land supply challenges. It is not a basis for promoting an effective and deliverable plan.

There are many examples of brownfield sites where consent has been obtained yet implementation does not automatically follow, the Harlequins shopping centre site being another good example of the challenges, noting again the recent decision to remove any onsite affordable housing from the scheme on the basis of the viability challenges. A strategy focussed on brownfield development clearly raises the questions as to how the substantial need for affordable housing in the City can be met, if onsite delivery is not feasible.

It further emphasises the balance and contribution that appropriate greenfield sites, less encumbered by the factors raised above, can provide to the overall strategy.

We also note that to maintain housing numbers a number of sites have seen significant density uplifts, based on the findings of the 2021 Exeter Density Study. However, the previous version of the Plan did not consider it appropriate to seek density at that level on the same sites. What has changed other than a need to find additional housing to compensate for the removal of Marsh Barton? It does raise the question as to what robust evidence is there to suggest that these sites (a number of which are relatively small and, in some cases, have seen an almost doubling of housing yield to that previously proposed) can accommodate this uplift? For a number of these, site context would suggest the numbers and density now being proposed would place them significantly at odds with existing built form principles. We therefore consider there is a high likelihood that the Plan over-estimates dwelling densities in inappropriate locations.

Despite the loss of the Marsh Barton allocation the Plan's housing delivery still relies on a small number of strategic allocations (which by their nature are the most complex to bring forward), accounting for 60% of the housing to be delivered from the allocated sites. Given the deliverability concerns and uncertainties above this does seem like a high-risk strategy, where any failure on these sites would undermine the Plan as a whole.

As we have set out consistently in our representations on the emerging Local Plan, ensuring a mix of brownfield and greenfield housing sites is not only important to underpin deliverability of the plan (recognising that some greenfield sites will be more deliverable in the short to medium term), but also in terms of housing mix. As demonstrated by the recent Water Lane decision, focussing on brownfield redevelopment inevitably means higher density flatted development in order to mitigate site remediation costs.

However, the Plan does not appear to recognise that there is a limit to the number of apartments that the housing market can absorb and the consequences of the more unpredictable development finances in relation to flatted development. This inevitably results in schemes not meeting the expected planning requirements, including affordable housing (again as already evident in the case of Water Lane and Harlequins).

Modifications: We would urge the Council to consider an alternative strategy that is more balanced and seeks to make provision for a wider range of sites including appropriate greenfield and a broader mix of dwelling types in order that all sectors of the market can be 'fed' at a rate that it can 'absorb', and that a concentration of a particular type of site and types of development coming forward simultaneously is to be avoided. That is the only way the Plan can realise its stated objective from the outset of its Strategy to provide "good quality homes of a variety of types in the city to meet Exeter's various needs".

As we have set out above and in previous representations there are clear risks the Publication Draft Plan raises in respect of not being a positively prepared, justified and effective Development Plan that is also inconsistent with national policy. This could be addressed through a more deliverable approach to plan-making and a more balanced strategy that recognise the need for choice and resilience within the housing market, driven by the need to meet identified needs.

It is simply not the case that Exeter does not still have some capacity for genuinely suitable greenfield sites that can significantly contribute to the Plan's objectives. We have previously promoted sites within my clients' control at Barley Lane and Home Farm which are genuinely available and deliverable in the short to medium term. Despite our previous promotion of the sites through the emerging Local Plan process, we are disappointed that these appear to have been disregarded out of hand without any robust or detailed assessment and on the basis of the principle of landscape setting derived from the Council's blanket approach to such matters. We set out response to this individually for both sites below.

[bold] Barley Lane [bold]

The Barley Lane site (see location plan at Appendix 1) is situated on the western edge of Exeter, immediately adjacent to existing residential dwellings and the urban boundary. It is well located, with a range of local services and facilities in close proximity to the site, including a primary school, convenience store and community centre. It is also well positioned to benefit from both bus and rail travel. The site is also relatively unconstrained, situated within Flood Zone 1. The site does not contain or form part of any statutory designations (including Area Outstanding Natural Beauty, Site of Specific Scientific Interest, etc).

The Barley Lane site therefore represents a clear opportunity for additional residential development in a sustainable location on the western edge of Exeter. However, the HELAA fails to recognise this opportunity by rejecting the site without any consideration of the site's benefits and opportunities or whether a reduced extent of the site could overcome these concerns. Instead it is ruled out at Stage A without assessment on the basis of the 2022 LSA and the identification of the site as being "within landscape that has a high sensitivity to new housing development." In line with the concerns above regarding the Council's blanket approach towards landscape setting and other designations, this fails to recognise that the broad assessment within the LSA ignores the distinct differences between individual land parcels.

It is clear that there is a very different context for the Barley Lane site situated on the lower fields directly abutting existing development to the field parcels to the west that rise steeply towards the ridge. The site clearly has better defined relationship with the suburban setting of Exeter and if developed would provide a strong urban edge. The site itself does not have any notable landscape features and any scenic value is significantly diminished by an existing telecommunications mast. A Landscape Visual Impact Assessment (LVIA) prepared on behalf of my

clients identifies that the landscape value of the site is low.

In respect of landscape sensitivity it is clear that the LSA and the previous Exeter fringe study base their justification on sensitivity in relation to the character of the ridge rather than providing any analysis of the lower field parcels (which form the Barley Lane site). This is evident from the LSA when it states: "Landscape susceptibility to housing lies in its character as a ridge with steeply sloping sides, a prominent skyline and upper slopes visible from the east such as from the Exe river corridor forming a strong setting and green backcloth to the city...".

However as evidenced within the LVIA prepared on behalf of my clients it is quite clear that the site forms only a small element of the more extensive assessment area, is separated from the wooded ridgeline and is not prominent in the skyline with limited visibility from the wider settlement. As a consequence the site is considered to relate more closely with the settlement edge both functionally and visually than the wider landscape within the assessment area of the LSA. This therefore significantly reduces any sensitivity in respect of housing and suggests development of the site would not result in any significant change to landscape character nor would it compromise the nature of landscape setting on the hills surrounding the city.

Given the critical need to deliver housing to meet identified needs, all reasonable opportunities for meeting that need must be delivered. It is not in our view acceptable to reject such sites as a matter of blanket principle without at least some detailed review of circumstances. Otherwise, important options are in danger of being overlooked or missed, as is the case with the Barley Lane site. Having moved beyond this point we are confident that the Council would score the site highly in respect of the subsequent Stage B of the Suitability Assessment within the HELAA and would urge the Council to consider the site's potential further. We would be happy to discuss the site and/or provide additional information to the Council to support a more detailed consideration of the beneficial contribution the site could have to the Plan Strategy.

[bold] Home Farm, Church Hill [bold]

Whilst a larger site at Home Farm was promoted previously through the emerging Local Plan stage, my clients are now pursuing a smaller element of the site, focussed on the south eastern portion (as shown in the Location Plan in Appendix 2). This part of the site immediately abuts existing development and therefore will be visually read and contained within that context. As such it addresses any previous concerns regarding landscape setting and harm.

It is noted that the larger site previously promoted is rejected in the HELAA in principle because it falls within a landscape character area identified as being sensitive to new housing development. We would reiterate our comments made above in respect of Barley Lane and the lack of nuanced approach to landscape setting which results in all field parcels within an area being classed as if a single entity sharing the same characteristics. This approach ignores the fact that impact on landscape setting depends on a range of factors and characteristics which are not always shared within the Landscape character areas. To object in principle without any detailed assessment will mean good opportunities to support the delivery of housing are at the risk of being overlooked.

The revised site extent of the Home Farm site now has a very different character to that of the higher fields to the north and will retain a greater relationship to the existing built form to the south than the ridgeline to the north.

Furthermore, the site is clearly sustainable, in close proximity to the services and facilities of Pinhoe including a primary school, library, and convenience store etc with good access to sustainable travel options including bus and train. It provides an opportunity to bring forward new homes on a sustainable site that is deliverable without any technical constraint as well as providing wider landscaping and BNG benefit.

The site would perform well against the Stage B criteria and should be considered as an option for an allocation that could be brought forward swiftly to provide early support for the Council in achieving their challenging housing targets. Again, we would be happy to discuss the opportunity of this site further with the Council.

We request that the Plan is modified to include the above opportunity sites.

Requested to attend examination?: Yes

Ref: C-43-04-S1b

Representor: Waddeton Park Limited

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: 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 have now had the opportunity to review the Publication Draft and note that the Council has at least appeared to have acknowledged the clear deliverability issues of the previous version of the Plan. The removal of Marsh Barton as a strategic allocation seeks at least in part to redress the many concerns raised, including those of our clients, regarding the lack of consideration of the many implementation obstacles that bringing forward that area (in multiple and complex ownership and requiring business relocation on a major scale) would raise.

However, it is disappointing that this change has not led to a tangible refocussing of the overall spatial strategy and the Council's approach to delivering a sufficient supply of housing to meet identified needs. This is despite the Government, through the updated NPPF published in December 2024, making it absolutely clear that there is a need to substantially increase housing delivery in the UK, setting a target of achieving 370,000 new homes each year. The focus of the updated NPPF is explicitly on overhauling the planning system to address the chronic housing crisis and to support "builders not blockers" and to deliver growth.

The implication of the updated NPPF on Exeter is a significantly increased challenge in the number of homes that are required to be built. Under the new standard method housing requirements will rise significantly from 642 dwellings per annum to 800 dwellings per annum, significantly above past delivery rates. It is noted that the Council are seeking to benefit from the updated NPPF's transitional arrangements by publishing a Regulation 19 version of the Plan in advance of the cut off of 12th March. Whilst this enables a lower housing requirement to be pursued, this is simply increasing the gap between housing need and supply in the longer term.

Furthermore, until the Plan is adopted the Council are still required to demonstrate a 5-year supply of housing land based on the new standard method (800 dwellings per annum), based on the Council's latest supply figure from April 2024 we have calculated that this represents a land supply position of under 3.9 years. The need to deliver increased levels of housing must be a priority for the Council both through development management and plan-making and requires a step change away from the traditional focus on constraints and protectionist policies.

On behalf of our clients, we have consistently set out that a Local Plan that over relies on sites that are undeliverable, whilst increasing the burden on all development through unrealistic and unviable requirements will not have been positively prepared and will not be effective.

Despite the removal of Marsh Barton (which my clients welcome), it appears only limited and narrow options have been explored as to how any shortfall of assumed housing delivery on that now defunct strategic allocation could be redistributed. It further appears the approach taken fails to be driven by the objectives of meeting the fundamental scale of need for housing in Exeter; does not seek to provide real choice in the housing market to meet the range of such needs; and lacks any true resilience or contingency needed to reflect the challenges of the strategy. Instead, the Plan, in our view continues to over rely on the undeliverable and unrealistic.

It is noted the overall spatial strategy remains the same as before, focussed on preventing suitable and appropriate greenfield development based on an assumption that the city no longer has capacity. This ignores previous submissions made on behalf of my clients outlining the importance of a mixed brownfield and greenfield strategy. Not only does greenfield release provide for a wider choice of housing across the city it significantly contributes to the over resilience of the Plan.

The Council carries a significant track record in diminishing its own Plan-led strategy in Exeter through its inability to manage housing land supply by not making balanced and necessary decisions when it comes to meeting housing needs. The over reliance on brownfield sites and failure to realise the complexities and lead-in times for delivering them has led to significant vulnerabilities around housing land supply. This has resulted in the delivery of some much-needed new homes being progressed through lost appeals. Of far worse consequence has been the widening of the gap between the most vulnerable in our society who cannot access housing and those already decently housed who as a consequence of the under supply continue to benefit from increasing house prices.

The Publication Draft does not suggest any change in such approach, whilst it removes what clearly was an undeliverable element of the strategy by now omitting Marsh Barton, it fails to grasp the opportunity to look again at the role of appropriate greenfield sites. Instead, the strategy doubles down on the brownfield approach by adding further untried and untested sites in respect viability and deliverability, places even greater reliance on the delivery of Water Lane (which carries many of the same implementation issues as Marsh Barton) and relies on a blanket density increase across many sites without any consideration of appropriateness.

Again then, the Plan's success is based on a series of uncertainties, firstly is there anything to suggest the sites are viable to be delivered at all, secondly given the complexities of bringing brownfield sites forward can they be delivered within the timeframe required and thirdly how feasible is it to deliver at the numbers assumed (taking into account a number of allocations have simply been subject to a multiplier rather than any assessment of site character and context)? All of these uncertainties point to a strategy that is undeliverable and most likely to fail to bring forward the houses required within the Plan period and the undermining of the plan-led approach.

As set out in representations made to the previous version of the emerging Local Plan, it is very short sighted not to seek to plan appropriately for suitable and deliverable greenfield sites as part of a mixed strategy to provide both resilience and choice to housing delivery.

Whilst the Council clearly recognised the dangers of pursuing a strategy reliant on the delivery of Marsh Barton as a strategic allocation and have correctly removed it from housing delivery assumptions, it does raise the question as to why Water Lane has not been treated in the same way given many of the implementation challenges and uncertainties are similar.

Water Lane has proven over the years a demonstrable example of the difficulties the Council has faced in facilitating the redevelopment of large brownfield sites. This is despite a positive policy basis for over 30 years and two previously adopted development plans. Whilst we recognise outline planning consent has recently been resolved to be granted for mixed use development including just under 1000 homes, we would suggest that this

crystalises the problems of delivery.

It is a scheme that is very much compromised by its implementation challenges including viability, flood risk, noise and land contamination. It has resulted in a scheme that proposes no affordable housing, no family housing, is heavily reliant on student accommodation and is proposed to be entirely flatted development. It is understood there has been no market testing of the scheme and to date no developer partner (instead the application is led by a land promoter). We would therefore suggest that despite the resolution to consent the uncertainties of implementation remain significant. Even if it is deliverable in this form, it emphasises our concerns regarding the lack of choice and range of housing that will be created from the scheme and the failure to meet identified needs given the proposed total absence of affordable housing from what is the largest strategic allocation in the Plan.

Given the above and the introduction of a number of new brownfield sites with limited evidence of viability we are concerned the Council are continuing to overlook practical delivery and implementation matters including resulting viability challenges from the heavy tax burden on new residential development (including CIL, S106 and other planning requirements) compared to existing use values. Furthermore, we have previously raised that the work in association with the HELAA in respect of assessing deliverability is flawed and has been found to not be robust and is overly optimistic when scrutinised through 5 -year land supply challenges. It is not a basis for promoting an effective and deliverable plan.

There are many examples of brownfield sites where consent has been obtained yet implementation does not automatically follow, the Harlequins shopping centre site being another good example of the challenges, noting again the recent decision to remove any onsite affordable housing from the scheme on the basis of the viability challenges. A strategy focussed on brownfield development clearly raises the questions as to how the substantial need for affordable housing in the City can be met, if onsite delivery is not feasible.

It further emphasises the balance and contribution that appropriate greenfield sites, less encumbered by the factors raised above, can provide to the overall strategy.

We also note that to maintain housing numbers a number of sites have seen significant density uplifts, based on the findings of the 2021 Exeter Density Study. However, the previous version of the Plan did not consider it appropriate to seek density at that level on the same sites. What has changed other than a need to find additional housing to compensate for the removal of Marsh Barton? It does raise the question as to what robust evidence is there to suggest that these sites (a number of which are relatively small and, in some cases, have seen an almost doubling of housing yield to that previously proposed) can accommodate this uplift? For a number of these, site context would suggest the numbers and density now being proposed would place them significantly at odds with existing built form principles. We therefore consider there is a high likelihood that the Plan over-estimates dwelling densities in inappropriate locations.

Despite the loss of the Marsh Barton allocation the Plan's housing delivery still relies on a small number of strategic allocations (which by their nature are the most complex to bring forward), accounting for 60% of the housing to be delivered from the allocated sites. Given the deliverability concerns and uncertainties above this does seem like a high-risk strategy, where any failure on these sites would undermine the Plan as a whole.

As we have set out consistently in our representations on the emerging Local Plan, ensuring a mix of brownfield and greenfield housing sites is not only important to underpin deliverability of the plan (recognising that some greenfield sites will be more deliverable in the short to medium term), but also in terms of housing mix. As demonstrated by the recent Water Lane decision, focussing on brownfield redevelopment inevitably means higher density flatted development in order to mitigate site remediation costs.

However, the Plan does not appear to recognise that there is a limit to the number of apartments that the housing market can absorb and the consequences of the more unpredictable development finances in relation to flatted development. This inevitably results in schemes not meeting the expected planning requirements, including affordable housing (again as already evident in the case of Water Lane and Harlequins).

Modifications: We would urge the Council to consider an alternative strategy that is more balanced and seeks to make provision for a wider range of sites including appropriate greenfield and a broader mix of dwelling types in order that all sectors of the market can be 'fed' at a rate that it can 'absorb', and that a concentration of a particular type of site and types of development coming forward simultaneously is to be avoided. That is the only way the Plan can realise its stated objective from the outset of its Strategy to provide "good quality homes of a variety of types in the city to meet Exeter's various needs".

As we have set out above and in previous representations there are clear risks the Publication Draft Plan raises in respect of not being a positively prepared, justified and effective Development Plan that is also inconsistent with national policy. This could be addressed through a more deliverable approach to plan-making and a more balanced strategy that recognise the need for choice and resilience within the housing market, driven by the need to meet identified needs.

It is simply not the case that Exeter does not still have some capacity for genuinely suitable greenfield sites that can significantly contribute to the Plan's objectives. We have previously promoted sites within my clients' control at Barley Lane and Home Farm which are genuinely available and deliverable in the short to medium term. Despite our previous promotion of the sites through the emerging Local Plan process, we are disappointed that these appear to have been disregarded out of hand without any robust or detailed assessment and on the basis of the principle of landscape setting derived from the Council's blanket approach to such matters. We set out response to this individually for both sites below.

[bold] Barley Lane [bold]

The Barley Lane site (see location plan at Appendix 1) is situated on the western edge of Exeter, immediately adjacent to existing residential dwellings and the urban boundary. It is well located, with a range of local services and facilities in close proximity to the site, including a primary school, convenience store and community centre. It is also well positioned to benefit from both bus and rail travel. The site is also relatively unconstrained, situated within Flood Zone 1. The site does not contain or form part of any statutory designations (including Area Outstanding Natural Beauty, Site of Specific Scientific Interest, etc).

The Barley Lane site therefore represents a clear opportunity for additional residential development in a sustainable location on the western edge of Exeter. However, the HELAA fails to recognise this opportunity by rejecting the site without any consideration of the site's benefits and opportunities or whether a reduced extent of the site could overcome these concerns. Instead it is ruled out at Stage A without assessment on the basis of the 2022 LSA and the identification of the site as being "within landscape that has a high sensitivity to new housing development." In line with the concerns above regarding the Council's blanket approach towards landscape setting and other designations, this fails to recognise that the broad assessment within the LSA ignores the distinct differences between individual land parcels.

It is clear that there is a very different context for the Barley Lane site situated on the lower fields directly abutting existing development to the field parcels to the west that rise steeply towards the ridge. The site clearly has better defined relationship with the suburban setting of Exeter and if developed would provide a strong urban edge. The site itself does not have any notable landscape features and any scenic value is significantly diminished by an existing telecommunications mast. A Landscape Visual Impact Assessment (LVIA) prepared on behalf of my

clients identifies that the landscape value of the site is low.

In respect of landscape sensitivity it is clear that the LSA and the previous Exeter fringe study base their justification on sensitivity in relation to the character of the ridge rather than providing any analysis of the lower field parcels (which form the Barley Lane site). This is evident from the LSA when it states: "Landscape susceptibility to housing lies in its character as a ridge with steeply sloping sides, a prominent skyline and upper slopes visible from the east such as from the Exe river corridor forming a strong setting and green backcloth to the city...".

However as evidenced within the LVIA prepared on behalf of my clients it is quite clear that the site forms only a small element of the more extensive assessment area, is separated from the wooded ridgeline and is not prominent in the skyline with limited visibility from the wider settlement. As a consequence the site is considered to relate more closely with the settlement edge both functionally and visually that the wider landscape within the assessment area of the LSA. This therefore significantly reduces any sensitivity in respect of housing and suggests development of the site would not result in any significant change to landscape character nor would it compromise the nature of landscape setting on the hills surrounding the city.

Given the critical need to deliver housing to meet identified needs, all reasonable opportunities for meeting that need must be delivered. It is not in our view acceptable to reject such sites as a matter of blanket principle without at least some detailed review of circumstances. Otherwise, important options are in danger of being overlooked or missed, as is the case with the Barley Lane site. Having moved beyond this point we are confident that the Council would score the site highly in respect of the subsequent Stage B of the Suitability Assessment within the HELAA and would urge the Council to consider the site's potential further. We would be happy to discuss the site and/or provide additional information to the Council to support a more detailed consideration of the beneficial contribution the site could have to the Plan Strategy.

[bold] Home Farm, Church Hill [bold]

Whilst a larger site at Home Farm was promoted previously through the emerging Local Plan stage, my clients are now pursuing a smaller element of the site, focussed on the south eastern portion (as shown in the Location Plan in Appendix 2). This part of the site immediately abuts existing development and therefore will be visually read and contained within that context. As such it addresses any previous concerns regarding landscape setting and harm.

It is noted that the larger site previously promoted is rejected in the HELAA in principle because it falls within a landscape character area identified as being sensitive to new housing development. We would reiterate our comments made above in respect of Barley Lane and the lack of nuanced approach to landscape setting which results in all field parcels within an area being classed as if a single entity sharing the same characteristics. This approach ignores the fact that impact on landscape setting depends on a range of factors and characteristics which are not always shared within the Landscape character areas. To object in principle without any detailed assessment will mean good opportunities to support the delivery of housing are at the risk of being overlooked.

The revised site extent of the Home Farm site now has a very different character to that of the higher fields to the north and will retain a greater relationship to the existing built form to the south than the ridgeline to the north.

Furthermore, the site is clearly sustainable, in close proximity to the services and facilities of Pinhoe including a primary school, library, and convenience store etc with good access to sustainable travel options including bus and train. It provides an opportunity to bring forward new homes on a sustainable site that is deliverable without any technical constraint as well as providing wider landscaping and BNG benefit.

The site would perform well against the Stage B criteria and should be considered as an option for an allocation that could be brought forward swiftly to provide early support for the Council in achieving their challenging housing targets. Again, we would be happy to discuss the opportunity of this site further with the Council.

We request that the Plan is modified to include the above opportunity sites.

Requested to attend examination?: Yes

Ref: D-03-04-S1

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: [italic] 'Providing high quality, mixed use development at optimal densities appropriate to the characteristics, heritage and function of the local area to minimise the need to travel and maximise walking, cycling and public transport'. [italic] 'Ecology' should be added to the list of features which must be considered.

Modifications: [...] 'Ecology' should be added to the list of features which must be considered.

Requested to attend examination?: -

Ref: D-07-04-S1

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: S1: Spatial Strategy (Strategic Policy)

Policy S1 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

This policy states that the spatial strategy will deliver net zero, climate change adaptation and resilience, high quality development, health and well-being, the vitality of the city centre, the natural environment, heritage and cultural diversity. It suggests that these will be delivered through 15 elements these include providing good quality homes of a variety of types in the city to meet Exeter's various needs, focusing the majority of development on strategic brownfield sites, and considering modest greenfield development.

The HBF supports the ambition of the Plan to work with other stakeholders to provide good quality homes of a variety of types in the city to meet Exeter's various needs. The HBF considers that the Plan should provide for a wide range of deliverable and developable sites across the city in order to provide competition and choice and to ensure that housing needs are met in full, with a range of sites proposed for allocation. It will therefore be important to ensure allocated sites are deliverable, and effective monitoring of housing delivery is undertaken so if monitoring identifies any under-delivery of housing, measures can be taken to address this as soon as possible.

The NPPF[3] states that planning policies should promote an effective use of land in meeting the need for homes and other uses, whilst safeguarding and improving the environment and ensuring safe and healthy living conditions. It goes on to state that planning policies should give substantial weight to the value of using suitable brownfield land within settlements for homes. The HBF considers that the Council should seek to allocate brownfield land for development where it is appropriate and deliverable and where it will contribute to the spatial strategy. However, the HBF also considers that the Council will need to ensure that they have provided homes to meet all of the local needs across the housing market, this may not always be sufficiently addressed by brownfield land, and may require more than a modest greenfield release.

[3] NPPF December 2024 paragraph 124 / NPPF December 2023 paragraph 123 & 124

Modifications: The HBF considers that the Plan should provide for a wide range of deliverable and developable sites across the city in order to provide competition and choice and to ensure that housing needs are met in full, with a range of sites proposed for allocation. It will therefore be important to ensure allocated sites are deliverable, and effective monitoring of housing delivery is undertaken so if monitoring identifies any under-delivery of housing, measures can be taken to address this as soon as possible.

[...] The HBF considers that the Council should seek to allocate brownfield land for development where it is appropriate and deliverable and where it will contribute to the spatial strategy. However, the HBF also considers that the Council will need to ensure that they have provided homes to meet all of the local needs across the housing market, this may not always be sufficiently addressed by brownfield land, and may require more than a modest greenfield release.

Requested to attend examination?: Yes

Ref: D-09-04-S1a

Representor: RSPB

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: 4.5

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: RSPB supports the stated intent to focus on brownfield redevelopment, linked to protecting the River Exe, to enable nature recovery and to provide green infrastructure. This accords with the National Planning Policy Framework (December 2024) (chapter 15) to conserve and enhance the natural environment, including by protecting sites of biodiversity value and providing net gains for biodiversity.

Modifications: -

Requested to attend examination?: No

Ref: D-09-04-S1b

Representor: RSPB

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: RSPB supports the Plan commitment to “10 Protecting and enhancing biodiversity throughout the city and improving the ecological value of the River Exe, its estuary and wildlife networks”. This aligns with the National Planning Policy Framework (latest edition December 2024) requirements (chapter 15) that planning policies and decisions should conserve and enhance biodiversity.

Modifications: -

Requested to attend examination?: No

Ref: F-01-04-S1

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: Policy S1, paragraph 1 does not meet the area's objectively assessed needs which sets out (paragraph 3.14) the City Council's ambitions to help meet housing needs or support a significant increase in the new and affordable homes that Exeter desperately needs (paragraph 3.12).

Modifications: Policy S1, paragraph 1 should be amended to read: providing good quality homes including affordable homes of a variety of types in the city to meet Exeter's housing needs.

Requested to attend examination?: Yes

Ref: F-02-04-S1

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S1: Spatial strategy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: S19(1A) Planning and Compulsory Purchase Act 2014 [1] requires LPs include

[italic] “policies designed to secure that the development and use of land in the local planning authority’s area contribute to the mitigation of, and adaptation to, climate change.” [italic]

The strategic policy S1 does not adequately demonstrate how this will be achieved and describes achieving net zero as an ‘ambition’.

Plan policies must be ‘designed to secure’ the outcomes including a robust assessment of the potential for local policy to achieve local emissions reductions over the plan period, taking into account the UK’s net zero commitment under the Climate Change Act and a local target set in accordance with that potential; and an assessment of proposed policies’ consistency with that target.

The Climate Change Act 2008 establishes a legally binding target to reduce the UK’s greenhouse gas emissions by at least 80% in 2050 from 1990 levels and June 2019 this target was strengthened, through the Climate Change Act 2008 (2050 Target Amendment) Order 2019, to commit the UK to reaching net zero greenhouse gas emissions by 2050. There has recently updated its emissions NDC target been a NDC target to reduce all greenhouse gas emissions by at least 81% by 2035 compared to 1990 levels [2].

Exeter’s Spatial Strategy aims to deliver [italic] ‘...the city’s ambitions for net zero...climate change adaptation and resilience...’ [italic] as required by paras 157 and 158 of the NPPF (Dec 2023).

However, this aim is not sufficiently robust nor is it covered in the strategic elements of Policy S1, the overarching policy for the whole Plan, and as such does not comply with the NPPF (157 [3] , 158). For instance, the Policy has no explicit or direct reference to the ‘radical reduction’ (NPPF 157) of emissions and energy demand; to the need to combat extremes of weather in the form of excessive heat, wind, or rain; or to the necessity of reducing demand for water.

The Government’s 2021 Net Zero Strategy estimates that 82% of the UK’s emissions are “within the scope of influence of local authorities”. Exeter City Council and the City’s ‘Liveable Exeter Place Board’ has an adopted policy and strategy with a more ambitious target of Net Zero by 2030 (included in ECC’s evidence pack [4]).

[Footnotes]

[1] [Embedded link: <https://www.legislation.gov.uk/ukpga/2004/5/contents>]

[2] [Embedded link: <https://www.gov.uk/government/publications/uks-2035-nationally-determined-contribution-ndc-emissions-reduction-target-under-the-paris-agreement>]

[3] 157. [Italic] The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure. [italic]

[4] NET ZERO EXETER 2030 PLAN – [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1664191887/projects/62bf1c11a56abd0b365a28db/media-upload/2020%20Net%20Zero%20Exeter%202030%20Plan.pdf/fizlagwhbiegwzbx7esv.pdf>]

Modifications: An assessment of the extent to which the Local Plan policies will deliver on greenhouse gas emissions reduction in line with UK targets and impact on climate adaptation and resilience.

Modification: amend line 6 of the Policy and add one additional numbered element to it, to ensure consistency with local and national policy. Wording could be along the lines of:

[italic] The spatial strategy for delivering development in Exeter has [bold] 16 [bold] elements: (our emboldening) 16 Requiring all development to submit a statement showing how the development incorporates features or processes to mitigate climate change, adapt to its consequences and provide resilience to its impacts. [italic]

(Note that policy CC1 contains a welcome relevant requirement, but it only relates to reaching net zero and not to energy reduction or adaptation and resilience.)

Requested to attend examination?: Yes

Ref: B-02-04-S2a

Representor: Environment Agency

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S2: Liveable Exeter Principles (Strategic policy)

Paragraph: Bullet 5 principle 3

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: Bullet 5 principle 3: Support this, as above with reference to the sewerage infrastructure required to support growth.

Modifications: -

Requested to attend examination?: -

Ref: B-02-04-S2b

Representor: Environment Agency

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S2: Liveable Exeter Principles (Strategic policy)

Paragraph: Bullet 1 of principle 4

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: Bullet 1 of principle 4: We welcome this; "Be adaptable and resilient to the effects of climate change"

Modifications: -

Requested to attend examination?: -

Ref: B-03-04-S2

Representor: Historic England

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S2: Liveable Exeter Principles (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: We are pleased to note at paragraph 4.12, recognition of the need to respect and enhance the city's heritage. We also welcome the adjustment to Principle 2 to refer to the 'highest appropriate densities'.

Principle 4 states that development will 'ensure buildings... adopt a fabric-first approach and apply high performance standards such as Passivhaus'. However, when converting or adapting buildings of traditional construction (which are generally those built before 1919 and therefore a significant portion of Exeter's housing stock) these approaches may not be appropriate. For further information see Historic England's advice on improving energy efficiency-[Embedded link: <https://historicengland.org.uk/advice/technical-advice/retrofit-and-energy-efficiency-in-historic-buildings/>]. This part of Policy S2 needs to be qualified to ensure that it meets the NPPF soundness tests of being justified, effective and consistent with national policy.

Modifications: We suggest that Principle 4 is amended as follows:

"Ensure buildings are energy efficient, adopt a fabric-first approach and apply high performance standards such as Passivhaus [underline] (or appropriate standards for historic buildings under Policy HH4) [underline] and whole-life carbon assessment."

Requested to attend examination?: -

Ref: C-04-04-S2

Representor: Blocwork

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S2: Liveable Exeter Principles (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Draft policy S2 outlines a series of development principles which will apply to the strategic mixed use brownfield development sites identified in the Exeter Plan and other major sites that may come forward in the future. The supporting text states that these principles are a vital element in steering development and go hand in hand with the spatial strategy of delivering quality development of brownfield land.

Principle 1 Memorable Places includes a requirement for development to “respond positively to local topography, open spaces and waterways and maximise views to Exeter’s natural and built landmarks and features”.

Blocwork supports the principle of high-quality placemaking and ensuring new development contributes positively to Exeter’s character however suggest the wording of the policy is amended to prevent constraining the opportunity for well-designed high-density development.

It is acknowledged that new development should make a positive contribution to long, mid-range and immediate views to and from it and therefore we suggest the following policy wording remove the words ‘Maximise Views’ in order to support high density mixed used development. As such we suggest the following amended wording [proposed additional text indicated in bold]:

“Respond positively to local topography, open space and waterways and [bold] take account of [bold] key views to Exeter’s natural and built landmarks and features”

Defining key views and landmarks within policy documents, such as Conservation Area Appraisals and Management Plans would ensure transparency and help guide development.

Principles 2 and 4 include references to the terms “exciting” and “beautiful.” While these aspirations are valuable in shaping high-quality development, they open to varying interpretations. To ensure clarity and consistency in policy implementation, we suggest using more defined language that aligns with established design principles. Notably, the term “beautiful” has also been removed from the National Planning Policy Framework (NPPF), highlighting the importance of using objective criteria in policy wording. We would therefore suggest deletion of these words to ensure this policy is effective and consistent with national policy as required by paragraph 36 of the NPPF.

Principle 4 Liveable buildings has a requirement for providing homes that are predominately dual aspect.

East, west and south facing single aspect units can work very well, especially in taller buildings, and it is a very narrow measure of a unit's residential quality to judge it solely on aspect. The supporting Local Housing Need Assessment identifies a modest housing need for 1-bedroom dwellings. It is unclear how all one bedroom units could avoid being single aspect within a development. A balanced policy that prioritises dual aspect where feasible while allowing flexibility for well-designed single-aspect homes would support both housing delivery and design quality.

In order to provide a more balanced policy we would recommend the policy wording to be amended to reflect this: [bold] "Provide homes that maximise the provision of dual aspect homes and normally avoid the provision of single aspect dwellings. A single aspect dwelling can be provided where it is considered a more appropriate design solution in meeting the requirement of optimising density, than a dual aspect dwelling, and it can be demonstrated that such a dwelling would have adequate ventilation and daylight". [bold]

Modifications: [...] Blocwork supports the principle of high-quality placemaking and ensuring new development contributes positively to Exeter's character however suggest the wording of the policy is amended to prevent constraining the opportunity for well-designed high-density development.

It is acknowledged that new development should make a positive contribution to long, mid-range and immediate views to and from it and therefore we suggest the following policy wording remove the words 'Maximise Views' in order to support high density mixed used development. As such we suggest the following amended wording [proposed additional text indicated in bold]:

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Defining key views and landmarks within policy documents, such as Conservation Area Appraisals and Management Plans would ensure transparency and help guide development.

Principles 2 and 4 include references to the terms "exciting" and "beautiful." While these aspirations are valuable in shaping high-quality development, they open to varying interpretations. To ensure clarity and consistency in policy implementation, we suggest using more defined language that aligns with established design principles. Notably, the term "beautiful" has also been removed from the National Planning Policy Framework (NPPF), highlighting the importance of using objective criteria in policy wording. We would therefore suggest deletion of these words to ensure this policy is effective and consistent with national policy as required by paragraph 36 of the NPPF.

Principle 4 Liveable buildings has a requirement for providing homes that are predominately dual aspect. [...] In order to provide a more balanced policy we would recommend the policy wording to be amended to reflect this: [bold] "Provide homes that maximise the provision of dual aspect homes and normally avoid the provision of single aspect dwellings. A single aspect dwelling can be provided where it is considered a more appropriate design solution in meeting the requirement of optimising density, than a dual aspect dwelling, and it can be demonstrated that such a dwelling would have adequate ventilation and daylight". [bold]

Requested to attend examination?: Yes

Ref: C-07-04-S2

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S2: Liveable Exeter Principles (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The Client broadly supports the Liveable Exeter principles, particularly the overarching objective of strategic, mixed use brownfield delivery in line with the NPPF, which includes the East Gate site allocation.

More specifically, the Client would like to comment on the first and third points of Principle 2 and the first point of Principle 3 of the policy which are worded as follows:

[italic] Build at optimal density, incorporating the highest appropriate densities in the most accessible and sustainable locations.

Enhance Exeter's natural, built and historic environments, particularly at gateway and arrival points, main routes into the city, city centre, the Ship Canal and Basin, the River Exe and the Valley Parks.

Provide a variety of high quality, affordable, market and specialist homes catering for local needs. [italic]

Similarly to our previous representations, in response to these points, the Client:

- Strongly supports the need to maximise high density development, especially in accessible and sustainable locations.
- Similarly to the above, strongly supports enhancing the built environment at gateway areas of the city including East Gate.
- Supports the flexibility of Principle 3 in relation to housing mix and affordable tenure, as this is particularly essential for the viability of constrained city centre sites.
- However, the Client recommends that the policy acknowledges the importance of and makes direct reference to the delivery of purpose built student accommodation (PBSA) given its role in reducing the speed at which housing is converted to HMOs and subsequently relieving pressure on housing land supply.

Modifications: [bold] Recommendation: [bold] Policy S2 is amended to encourage high density, tall buildings at gateway locations and to acknowledge the importance of PBSA within the housing mix.

Requested to attend examination?: Yes

Ref: C-32-04-S2

Representor: South West Housing Association Planning Consortium

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S2: Liveable Exeter Principles (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The SWHAPC is pleased to see that the Council continues to recognise that the future provision of affordable housing in Exeter is addressed in its Spatial Strategy, including in part 1 of draft Policy S1 and principle 3 of draft Policy S2 which both encourage high quality, affordable, homes catering for local needs.

Modifications: -

Requested to attend examination?: -

Ref: C-36-04-S2

Representor: Taylor Wimpey

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S2: Liveable Exeter Principles (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The policy is unsound as it is not effective.

The policy outlines 7 principles which all strategic mixed use brownfield development proposals are expected to adhere to. Whilst these principles are founded upon laudable ambitions, they will clearly add significant cost to the development of these challenging sites.

The policy includes requirements for sustainable transport, net zero, management and maintenance of the public realm, and the application of high-performance energy efficiency standards such as Passivhaus and whole-life carbon assessments standards. Table 2.1 of the Council's LPVA 2024 includes a list of policies which are considered to have viability implications, this does not include Policy S2. Furthermore, appendix B of the LPVA 2024 identifies the policies which were reviewed to consider viability implications, once again this did not include Policy S2.

Whilst it is noted that some of the potential costs are replicated in other policy areas, which are assessed for their viability implications, the lack of consideration given to this policy is considered a failing in the evidence base and a soundness issue for the plan. This is particularly concerning given the marginal or non-viable nature of some development typologies within the city. This includes typologies such as smaller flatted development (LPVA 2024, table 5.1) and older persons housing (LPVA 2024, table 5.5).

Modifications: In order to address these concerns, the viability implications of Policy S2 should be considered within the LPVA 2024. If potential additional viability implications are identified these should be tested and the policy amended as appropriate.

Requested to attend examination?: -

Ref: C-38-04-S2

Representor: The Guinness Partnership Ltd

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S2: Liveable Exeter Principles (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: These principles are supported, however in common with comments made above in relation to Policy S1, Principle 2 refers to “Build at optimal density and maximise the development footprint, incorporating the highest densities in the most accessible and sustainable locations”. Again, it should be noted in the Exeter Plan that a step change in the acceptance of an increased scale/height of buildings is required to achieve this aim and should be specifically referenced in this policy.

Modifications: [...] Again, it should be noted in the Exeter Plan that a step change in the acceptance of an increased scale/height of buildings is required to achieve this aim and should be specifically referenced in this policy.

Requested to attend examination?: -

Ref: C-41-04-S2

Representor: University of Exeter

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S2: Liveable Exeter Principles (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University maintains its support of the Liveable Exeter delivery principles set out in the policy and note that much of the rest of the plan policies provide further policy guidance on how these will be achieved.

Modifications: -

Requested to attend examination?: No

Ref: D-06-04-S2

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S2: Liveable Exeter Principles (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The Plan must be comprehensible to non-planning professionals and the public who will not necessarily understand terminology such as “Active Streets” (apparently not the same as “Heathy Streets”), “Active Travel” and “Meanwhile Uses”

Modifications: The Glossary needs to be comprehensive.

Requested to attend examination?: No

Ref: D-07-04-S2

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S2: Liveable Exeter Principles (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: S2: Liveable Exeter principles (Strategic policy)

Policy S2 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

This policy states that the delivery of strategic, mixed use brownfield developments will be supported, and that they must be accompanied by a masterplan or design code.

The HBF supports the intention of this policy to provide a variety of high quality, affordable, market and specialist homes catering for local needs. It is important to recognise this includes needs for both affordable and open market homes. Although the HBF recognises the important role that brownfield development has an important role to play in delivering much needed housing, it must also be recognised that the viability of brownfield sites can be more challenging and result in less affordable housing delivery. There is also a need to provide for a range and mix of housing types and tenures. Some types of sites may be better suited to some types of housing development than others, for example an inner-city brownfield sites may be a good location for high density residential apartments, but less suitable for lower density family housing. The HBF therefore suggests the plan should recognise that it may be necessary to include an appropriate level of greenfield development as part of the long-term planning for the sustainable development of Exeter. The HBF suggest this should include in a planned way through allocations, which provide certainty for developers, landowners and communities and through sustainably located windfall sites.

The HBF also have concerns about how some of the policy requirements would work in practice including the Urban Greening Factor, Passivhaus requirements and whole-life carbon assessments. Our detailed comments on these issues are set out in response to the relevant policies elsewhere in our representation.

Modifications: [...] The HBF therefore suggests the plan should recognise that it may be necessary to include an appropriate level of greenfield development as part of the long-term planning for the sustainable development of Exeter. The HBF suggest this should include in a planned way through allocations, which provide certainty for developers, landowners and communities and through sustainably located windfall sites.

Requested to attend examination?: Yes

Ref: D-09-04-S2

Representor: RSPB

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S2: Liveable Exeter Principles (Strategic policy)

Paragraph: 4.17

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: There is no specific mention of the potential for brownfield development to provide opportunities for biodiversity and no stated commitment to that. The National Planning Policy Framework (December 2024) makes it clear in chapter 15 that planning policies and decisions should contribute to and enhance the natural environment, including by providing net gains for biodiversity and [italic] “incorporating features which support priority or threatened species such as swifts, bats and hedgehogs”. [italic] As the best way of helping species such as swifts is to incorporate swift nestboxes in the design and construction of new developments, the RSPB considers that omitting such a reference in a Policy that is focused on how the masterplanning/design of brownfield developments will become spaces for people and wildlife (principle 6) reduces the likelihood that such provision will be included as standard.

Modifications: The RSPB recommends that the final bullet point of Principles 6 “Ensure that space, buildings and infrastructure are created specifically with opportunities to deliver a thriving nature-rich city” is amended to “Ensure that space, buildings and infrastructure are created specifically with opportunities to deliver a thriving nature-rich city, including, for example, integration of swift nestboxes in new development (overall ratio of 1 per dwelling and multiples for apartment blocks), public realm landscaping and planting, green roofs and SuDS that support biodiversity”.

Requested to attend examination?: No

Ref: E-01-04-S2

Representor: Prospect Park Residents Association

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S2: Liveable Exeter Principles (Strategic policy)

Paragraph: S2 Principle 3 and S2 Principle 7

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: I refer to S2 Liveable Exeter Principles: Principle 3, Welcoming Neighbourhoods, pp 19-20 and Principle 7, p21. The St James Neighbourhood Plan is cited prominently in the Exeter Plan (on p9) as a key example of neighbourhood planning that allows an area to 'keep its distinct identity and continue to serve its citizens needs'. However, a key principle of that neighbourhood plan, the maintenance of [bold] community balance [bold], set out in saved Policy H5 b, [bold] has been removed [bold] from the Exeter Plan. Community balance allows resilient neighbourhoods with diverse residents at all stages of their lives. The removal of the principle of community balance is at odds with the Exeter Plans Principle 3 and also appears at odds with Principle 7: 'Create resilient, adaptable, networked communities and successful centres that support civic pride and express local identity'. Our specific concern is that this removal has taken place without, to our knowledge, any formal discussion with residents or recognised residents' associations or the Exeter St James Community Trust. We understand further that there has been no discussion with our local councillors nor have members of Exeter City Council been allowed any form of scrutiny of the published draft of the plan.

Whereas we appreciate that the published draft of the Exeter Plan refers at various points to the increase in PBSAs and co-living, linked largely to the University, the Plan fails to address the issues of the impact of community imbalance in regard to residential communities within Exeter. Regarding HMOs the Local Planning Authority has recently updated its policies following representations from residents from parts of the city that had not previously encountered HMO applications but are now affected, as St James has been for years. The main argument used to justify the application of an Article 4 Directive was that of maintaining community balance based on a 20% figure leading to an imbalance in any given postcode area. It therefore seems perverse that while clarifying the definition of community imbalance within Article 4, the reference to community balance has been removed from the Exeter Plan. No such determination to remove the former H5b has been discussed or agreed, as we understand it, by elected members. Community balance was a key factor in the refusal of a recent planning appeal 23/0652/FUL, refused by the Planning Appeals Inspector for the same reason.

Modifications: We would request that Principle 3 should include an additional statement:
Proposed developments will not create an overconcentration of the proposed use in any one area of the city which would change the character of the neighbourhood or create an imbalance with detrimental impact on the sustainability and resilience of the community.

We would request the reinstatement of the principle of community balance as above, to avoid an overconcentration of HMOs, PBSA or Co Living in any area to ensure sustainable communities.

Requested to attend examination?: Yes

Ref: H-01-04-S2

Representor: Anonymous

Chapter/section of the Exeter Plan: 04 - Spatial strategy

Policy: S2: Liveable Exeter Principles (Strategic policy)

Paragraph: Principle 1. Memorable places

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The phrase "local distinctiveness" is meaningless unless the characteristics and features of what this mean are defined eg local building materials, matching the scale of existing buildings etc. Many major recent developments in Exeter could have been built in London, Manchester or Belfast.... They are characterised by nothing "locally distinctive" at all....

Modifications: As referred to above, "local distinctiveness" needs to be defined.

Requested to attend examination?: No

Ref: B-02-05-X

Representor: Environment Agency

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Support overall for this chapter and its strong references to flooding, resilience and adaptation and an acknowledgement of the 'unavoidable impacts of climate change'.

Modifications: -

Requested to attend examination?: -

Ref: C-32-05-X

Representor: South West Housing Association Planning Consortium

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The Housing Associations of the SWHAPC recognise the critical role that they play in ensuring that residents have safe, secure and efficient homes that are future proof. Promoting sustainable development is the core objective of the plan system and it is important that all new developments continue to support this aim. This was emphasized in the Written Ministerial Statement on energy efficiency and environmental standards from December 2023. However, we urge the Council to carefully consider how these policies might affect the viability of development, as they could potentially limit the availability of affordable housing in Exeter. Climate change policies should be carefully considered against Building Regulations and the Future Homes Standard 2025 to avoid duplication and any potential inconsistencies.

Modifications: [...] However, we urge the Council to carefully consider how these policies might affect the viability of development, as they could potentially limit the availability of affordable housing in Exeter. Climate change policies should be carefully considered against Building Regulations and the Future Homes Standard 2025 to avoid duplication and any potential inconsistencies.

Requested to attend examination?: -

Ref: D-03-05-X

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Three visions are provided for Climate change, but reference to the natural environment is absent. Climate and the environment are intrinsically linked and aspirations to provide an environmentally rich city will play a significant role in adapting to climate change.

Mitigating and adapting to climate change can only be achieved by maximising the creation of robust nature-rich green spaces, widespread tree planting and the use of innovative habitat creation measures such as green roofs and walls.

We applaud the ambition of the LPA to be carbon neutral by 2030. As with all such challenging goals, the details of how we meet this and monitor our progress is critical if it is to be met. We would like the council to underpin the aspiration with firm commitments including timescales and resources required for delivery.

Modifications: [...] We would like the council to underpin the aspiration with firm commitments including timescales and resources required for delivery.

This plan will be live for a further 10 years after the carbon neutral ambition in 2030. DWT advises the council to extend the commitment and, following this being met, set the challenge to make Exeter a carbon positive city by 2040, with some outline goals attached to this to provide detail.

Requested to attend examination?: -

Ref: F-01-05-X

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: G-16-05-X

Representor: Jon Worsley (Devon and Somerset Fire and Rescue Service)

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: B-02-05-CC1

Representor: Environment Agency

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC1: Net zero Exeter (Strategic policy)

Paragraph: 5.9

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Para 5.9: Support the following sentence and ethos 'Green infrastructure, sustainable drainage systems (SuDS) and other nature-based solutions to flood risk also have an important role in climate change mitigation.' And then the translation of this into CC1.

Modifications: -

Requested to attend examination?: -

Ref: B-06-05-CC1

Representor: National Highways

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC1: Net zero Exeter (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: National Highways also supports the ambition to make Exeter a net carbon zero city by 2030 as set out in set out in Strategic Policy CC1. The dual impact of reducing the need to travel and maximising use of sustainable travel modes is particularly welcome given the potential to reduce discretionary travel by car.

Modifications: -

Requested to attend examination?: -

Ref: C-03-05-CC1

Representor: Anne Codner

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC1: Net zero Exeter (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Whilst we support the principle of managing climate change and working toward net zero, we consider draft Policy CC1 to be unsound for a number of reasons.

Most importantly, the Written Ministerial Statement (WMS) of 13 December 2023, directly addresses the soundness of policies such as this.

The WMS stated that [italic] “the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations”, [italic] and [italic] “any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale”. [italic]

It is clear from the WMS that the Government considers Building Regulations to be the preferred and primary mechanism to deliver improvements in energy efficiency and setting guidance in relation to carbon emissions.

Secondly, the wording of draft Policy CC1 is too imprecise to act as an effective development management policy, and reads more as a vision statement.

Thirdly, much of the policy is already covered by other draft policies within the plan which are more specific and precise for development management purposes, therefore this draft Policy is not necessary. For example [italic] “g. utilising SuDS and other nature-based solutions to deliver flood risk management” [italic] is much better managed by the provisions of draft Policy CC8.

Finally, it does not appear from the viability evidence that any allowance has been made for the impact of this draft Policy beyond Building Regulations compliance, meaning that there is no justification to evidence the impact it could have on the viability of future development.

Modifications: [...] On the basis of the comments above, no alternative wording is proposed. Instead these representations encourage the Council to rework this draft Policy to acknowledge that targets will be dictated by national Government and up to date building regulations, rather than local policy.

Requested to attend examination?: Yes

Ref: C-08-05-CC1

Representor: Churchill Living and McCarthy Stone

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC1: Net zero Exeter (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The draft policy (CC1) seeks the following:

[italic] The City Council has an ambition for the city to be net zero by 2030. Development proposals will be required to demonstrate how they will support the achievement of net zero through each of the following: a. Considering location, urban form, density and place-specific solutions; b. Minimising the need to travel and maximising walking, wheeling, cycling and public transport; c. Applying a fabric first approach to maximise energy efficiency; d. Maximising renewable and low carbon energy generation; e. Minimising operational and embodied carbon emissions; f. Applying the principles of the circular economy; g. Utilising SuDS and other nature-based solutions to deliver flood risk management; and h. Providing green infrastructure, biodiversity net gain and landscape-led schemes. All major development proposals will be required to submit a Net Zero Statement setting out how the development will address each of the requirements of the policy. [italic]

Policies CC2-CC9 are an extension of the above strategic policy.

Whilst the Councils commitment to meeting both its and the UK Governments target of net zero carbon emissions is commendable, it appears that the Council is going to achieve this through having carbon and climate standards from adoption of the plan that may go beyond government targets.

However, it is our view that any requirement should be 'stepped' in line with Government targets and the proposed changes to the building regulations and the section amended substantially.

This approach is confirmed within the Ministerial Statement (statement no : Statement UIN HCWS123 available from [embedded link] <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123> [embedded link]) released on 13th December 2023. The ministerial statement confirms, with respect to the net zero goal that:

[italic] 'The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Governments commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-

reasoned and robustly costed rationale and "To be sound, local plans must be consistent with national policy" enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, including this one' [italic]

It is unclear how these requirements are costed and measured within the plan wide viability study and expected to be applied to development typologies which are shown to be unviable with other requirements e.g. affordable housing.

Looking specifically at housing for older people, the council has failed to demonstrate that the cumulative effects of policy would allow such proposals to viably come forward.

[italic] 'Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage' [italic] (Paragraph: 002 Reference ID: 10-002-20190509).

As drafted, the plan fails to demonstrate sufficient flexibility to ensure that proposed policies will not simply stop certain typologies coming forward. In many cases, the council is ignoring the findings of its viability study which will result in workable policies for developers.

The policy ignores the requirements of national policy and the viability PPG to test viability on a typology basis and prepare policy in view of the findings of this evidence base.

The council's evidence base is clear that the proposed infrastructure requirements in respect of zero carbon standards cannot be delivered on housing for older persons proposals together with the full range of other requirements.

Modifications: The Council should re-consider the Policies CC1 - CC9 to ensure requirements are not going beyond government targets in line with the ministerial statement UIN HCWS123.

As drafted, this range of policies are unclear as to how and when zero carbon development standards will be fully implemented. However, it is clear that the expectation is that this will be before the government's current expectation. This will place significant pressure on development in Exeter as technology and economies of scale will not exist in line with national expectations. There is a danger that developers and investors will simply choose to invest elsewhere if policy goes too fast and too soon. It is unclear how the plan addresses these risks to ensure policies are deliverable.

It is recommended that targets are firstly shown to be fully viable and deliverable in the form of the plan wide study with appropriate costings transparently applied. Secondly, the targets should be flexibly applied with reference taken to building regulation updates at the appropriate times in line with national policy movement on each matter.

The Council should re-consider the Policies CC1 - CC9 to ensure requirements are not going beyond government targets in line with the ministerial statement UIN HCWS123.

Exemptions must be allowed where viability is an issue.

It is recommended that the council reconsider the drafting of these policies given the cost impact and uncertainty

surrounding timings. This is likely to create significant uncertainty for investors in house building given that the policies as drafted are unclear.

Requested to attend examination?: Yes

Ref: C-15-05-CC1

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC1: Net zero Exeter (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Edenstone support the principle of managing climate change and working toward net zero. As a company Edenstone are working toward delivering all developments as net zero prior to 2030.

Nevertheless, Edenstone consider draft Policy CC1 to be unsound for the following reasons.

Firstly, quoted below is the Written Ministerial Statement (WMS) of 13th December 2023, which directly addresses the soundness of policies such as this. Emphasis is Savills.

[italic] a) “The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Government’s commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. [underline]

b) Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:

- That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.

- [underline] The additional requirement is expressed as a percentage uplift of a dwelling’s Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP). [underline]

c) Where plan policies go beyond current or planned building regulations, those policies [underline] should be applied flexibly to decisions on planning applications and appeals [underline] where the applicant can demonstrate that meeting the higher standards is not technically feasible, in relation to the availability of appropriate local energy infrastructure (for example adequate existing and planned grid connections) and access to adequate supply chains.

d) [underline] To be sound, local plans must be consistent with national policy [underline] – enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, including this one”. [italic]

It is clear from the WMS that the Government considers Building Regulations to be the preferred and primary mechanism to deliver improvements in energy efficiency and setting guidance in relation to carbon emissions.

Secondly, away from the principle, the wording of draft Policy CC1 is too imprecise to act as an effective development management policy, and reads more as a vision statement.

Thirdly, the majority of the lettered bullets within the draft Policy are in any event already covered by other draft policies within the plan which are more specific and precise for development management purposes, therefore this draft Policy is not necessary. For example [italic] “g. utilising SuDS and other nature-based solutions to deliver flood risk management” [italic] is much better managed by the provisions of draft Policy CC8.

Lastly, it does not appear from the viability evidence that any allowance has been made for the impact of this draft Policy beyond Building Regulations compliance, meaning that there is no justification to evidence the impact it could have on viability.

Modifications: On the basis of the comments above, no alternative wording is proposed. Instead these representations encourage the Council to rework this draft Policy to acknowledge that targets will be dictated by national Government and up to date building regulations, rather than local policy.

Requested to attend examination?: Yes

Ref: C-25-05-CC1

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC1: Net zero Exeter (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Whilst Morgan Real Estate support the principle of managing climate change and working toward net zero, it is considered that draft Policy CC1 to be unsound for a number of reasons.

Most importantly, the Written Ministerial Statement (WMS) of 13 December 2023, directly addresses the soundness of policies such as this.

The WMS stated that “the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations”, and “any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well - reasoned and robustly costed rationale”.

It is clear from the WMS that the Government considers Building Regulations to be the preferred and primary mechanism to deliver improvements in energy efficiency and setting guidance in relation to carbon emissions.

Secondly, the wording of draft Policy CC1 is too imprecise to act as an effective development management policy, and reads more as a vision statement.

Thirdly, much of the policy is already covered by other draft policies within the plan which are more specific and precise for development management purposes, therefore this draft Policy is not necessary. For example “g. utilising SuDS and other nature- based solutions to deliver flood risk management” is much better managed by the provisions of draft Policy CC8.

Finally, it does not appear from the viability evidence that any allowance has been made for the impact of this draft Policy beyond Building Regulations compliance, meaning that there is no justification to evidence the impact it could have on the viability of future development.

Modifications: On the basis of the comments above, no alternative wording is proposed. Instead these representations encourage the Council to rework this draft Policy to acknowledge that targets will be dictated by national Government and up to date building regulations, rather than local policy.

Requested to attend examination?: Yes

Ref: C-38-05-CC1

Representor: The Guinness Partnership Ltd

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC1: Net zero Exeter (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: This policy is supported in principle, however the Exeter Plan needs to define exactly what is meant by 'net zero' and how this is measured. Perhaps in a glossary. Without this definition, the true impact of build cost and viability cannot be established (noting that a viability assessment of the Exeter Plan has not been carried out).

Modifications: This policy is supported in principle, however the Exeter Plan needs to define exactly what is meant by 'net zero' and how this is measured. Perhaps in a glossary.

Requested to attend examination?: -

Ref: C-40-05-CC1

Representor: TT Group

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC1: Net zero Exeter (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Whilst TT Group support the principle of managing climate change and working toward net zero, it is considered that draft Policy CC1 to be unsound for a number of reasons.

Most importantly, the Written Ministerial Statement (WMS) of 13 December 2023, directly addresses the soundness of policies such as this.

The WMS stated that “the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations”, and “any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well - reasoned and robustly costed rationale”.

It is clear from the WMS that the Government considers Building Regulations to be the preferred and primary mechanism to deliver improvements in energy efficiency and setting guidance in relation to carbon emissions.

Secondly, the wording of draft Policy CC1 is too imprecise to act as an effective development management policy, and reads more as vision statement. Thirdly, much of the policy is already covered by other draft policies within the plan which are more specific and precise for development management purposes, therefore this draft Policy is not necessary. For example “g. utilising SuDS and other nature- based solutions to deliver flood risk management” is much better managed by the provisions of draft Policy CC8.

Finally, it does not appear from the viability evidence that any allowance has been made for the impact of this draft Policy beyond Building Regulations compliance, meaning that there is no justification to evidence the impact it could have on the viability of future development.

Modifications: On the basis of the comments above, no alternative wording is proposed. Instead these representations encourage the Council to rework this draft Policy to acknowledge that targets will be dictated by national Government and up to date building regulations, rather than local policy.

Requested to attend examination?: -

Ref: C-41-05-CC1

Representor: University of Exeter

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC1: Net zero Exeter (Strategic policy)

Paragraph: 5.4

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University acknowledges and appreciates the reference in paragraph 5.4 of the City Council's collaboration with the University, particularly the establishment of the flagship Innovation Hub within the proposed City Point development at East Gate. This Innovation Hub is a strategic priority for the University, reflecting its commitment to supporting regional businesses and organisations in advancing their climate and environmental goals to achieve net zero carbon emissions and beyond.

The University fully supports policy CC1 and its objectives. It has set its own ambitious target of achieving net zero carbon emissions across its estate and has already implemented several initiatives to progress toward this goal. These include the recent installation solar photovoltaic panels at Car Park B on the Streatham campus and the adoption of Passivhaus/Net Zero standards for future developments as outlined in its latest sustainable design guide. The University remains committed to maintaining high standards of energy efficiency across its buildings and will actively explore additional opportunities for renewable energy generation across its estate.

In addition, the University is dedicated to enhancing green infrastructure and achieving biodiversity net gains on its estate. This includes plans to improve the biodiversity of the Lower Hoopern Valley and explore other potential enhancements for ecological benefit.

Modifications: -

Requested to attend examination?: No

Ref: D-06-05-CC1

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC1: Net zero Exeter (Strategic policy)

Paragraph: 5.8

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: 5.8 sets out a range of renewable energy sources which includes wind generation but there is no discussion about wind turbines in section 5 for Climate Change. The Objective states: [bold] Make the fullest possible contribution to the mitigation of, and adaptation to, climate change working towards a net zero carbon city, [bold] so it is surprising that there is no policy for wind turbines – ECS thinks there should be. Both policies CC1 (Net zero Exeter- strategic policy) and CC2 (Renewable and low carbon energy – strategic policy) have wording which would support wind turbine provision.

In paragraph 5.11 it says it is vital that there is an increase of renewables, and cites the NPPF that all communities should contribute to renewable energy generation. Furthermore, the current government is now encouraging land based wind turbines.

Whilst wind turbines may not be suitable in residential areas (except of a domestic scale) they can be located on industrial estates and on some green spaces – as has been achieved in the Avonmouth docks area near Bristol.

Not setting criteria within the plan could result in proposals coming forward for which the planning authority will be unprepared for, and residents and businesses will have no criteria to help understand whether proposals are reasonable.

Modifications: Introduce a section and policy relating to wind turbines in Chapter 5 'Climate Change'.

Requested to attend examination?: Yes

Ref: D-07-05-CC1

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC1: Net zero Exeter (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: CC1: Net Zero Exeter (Strategic Policy)

Policy [CC1] is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

The policy starts by saying that the City Council has an ambition for the city to be net zero by 2030. The HBF considers that this is a statement of intent and not a policy. The HBF does not consider that it serves a clear purpose or that it is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals as set out in the NPPF[4]. Therefore, the HBF considers this element of the policy should be deleted.

This policy states that development proposals will be required to demonstrate how they will support the achievement of net zero through a number of criteria these include considering location, urban form, density and place-specific solutions; minimising the need to travel and maximising active travel and public transport; applying a fabric first approach; maximising renewable and low carbon energy generation; minimising operation and embodied carbon emissions; utilising SuDS; and providing green infrastructure, biodiversity net gain and landscape led schemes. It also states that all major development proposals will be required to submit a Net Zero Statement.

The HBF considers that some elements of this policy can be considered appropriate and in line with the NPPF, but others are not. The NPPF[5] states that new development should be planned for in ways that help to reduce greenhouse gas emissions such as through its location, orientation and design. It goes on to state that any local requirements for the sustainability of buildings in plans should reflect the Government's policy for national technical standards. Therefore, the HBF would caution against policies that seek to go further and faster than national legislation and policy changes, which would lead to the creation of a patchwork of differing local policies which could inadvertently undermine the delivery of the wider environmental objectives the Council is seeking and create unnecessary delays to much needed new housing.

The HBF would highlight the latest publication 'Future Homes, One Plan Building a generation of high quality, affordable and sustainable homes and communities, together'[6]. This was published in Nov 2023 and highlights what actions are needed to support the delivery of sustainable homes. In particular, the HBF, would highlight 'Issue 9: The Partnership Imperative' on page 15 which states in the Local Government section that "Local planning requirements must align with the overall plan for improving performance standards at national level. For example, avoiding divergence of local energy standards that make it harder to accelerate improvement in

standards at national level, and avoiding conflict between local planning conditions and new requirements of building regulations.”

The government has also provided further advice for local authorities through the Written Ministerial Statement[7] which says “the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale.”

The Council should also be mindful of the potential tensions between policies for example those in relation to density and wider national and local policies on beauty and design, aspirations for locally accessible open space and requirements to create space for nature through BNG and other environmental policies. Such factors require land to deliver them as such will have an impact on achievable densities.

[4] NPPF December 2024 paragraph 16

[5] NPPF December 2024 paragraph 164

[6] <https://irp.cdn->

[website.com/bdbb2d99/files/uploaded/Future%20Homes%20One%20Plan_Future%20Homes%20Hub%20Prospectus-%20FINAL%20WEB.pdf](https://irp.cdn-website.com/bdbb2d99/files/uploaded/Future%20Homes%20One%20Plan_Future%20Homes%20Hub%20Prospectus-%20FINAL%20WEB.pdf)

[7] <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/HCWS123>

Modifications: The policy starts by saying that the City Council has an ambition for the city to be net zero by 2030. The HBF considers that this is a statement of intent and not a policy. The HBF does not consider that it serves a clear purpose or that it is clearly written and unambiguous, so it is evident how a decision maker should react to development proposals as set out in the NPPF[4]. Therefore, the HBF considers this element of the policy should be deleted.

[...] The HBF would caution against policies that seek to go further and faster than national legislation and policy changes, which would lead to the creation of a patchwork of differing local policies which could inadvertently undermine the delivery of the wider environmental objectives the Council is seeking and create unnecessary delays to much needed new housing.

[4] NPPF December 2024 paragraph 16

Requested to attend examination?: Yes

Ref: D-09-05-CC1

Representor: RSPB

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC1: Net zero Exeter (Strategic policy)

Paragraph: 5.10

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: RSPB supports this policy, particularly the requirement for all new developments to provide “green infrastructure, biodiversity net gain and landscape-led schemes.” All these measures can help in climate change mitigation, contribute to sustainability and separately benefit nature. However, to maximise effectiveness, these measures must be an integral part of the design, construction and operation of new developments (eg, design briefs, masterplans, applications), and the Council needs to ensure implementation and compliance via planning conditions/s106 obligations.

Modifications: -

Requested to attend examination?: No

Ref: F-02-05-CC1a

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC1: Net zero Exeter (Strategic policy)

Paragraph: 5.1 and 5.2

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The NPPF (2023) paras 157 to 175 stress the need for a dual approach: *[italic]* to mitigate climate change and to ensure resilience and adaptation in dealing with its impacts *[italic]*. In the NPPF's chapter on climate change, the introductory paragraphs 157, 158, and 159 place emphasis on **[bold]** all three **[bold]** aspects of this approach.

The draft Exeter Plan, in the Objective and Introduction to its Climate Change Chapter 5, rightly sets out an aim to mitigate and adapt to climate change, and we welcome this aim. In our view, however, paras 5.1 and 5.2 are unsound in that they focus primarily on reaching net-zero as the main way of tackling climate change, and so the paragraphs are not fully compliant with the NPPF.

Para 5.1 talks only of net-zero. Para 5.2 also leads by mentioning net-zero, with adaptation mentioned only peripherally and resilience not at all. We agree that reaching net-zero is fundamentally important, but in setting the scene for this important Chapter, there should be more significant, direct reference to resilience and adaptation, for instance highlighting the fundamental role of both Green Infrastructure and Design in this respect. Plan making and development management have a responsibility to moderate and deal with the impact of climate change - a change defined for instance in the UK Climate Impacts Programme *[embedded link: www.ukcip.org.uk]*.

The draft acknowledges that key Climate Policies are presented in other Chapters of the Plan, but refers only to the Chapters on transport and heritage assets, without recognising that the cross-cutting nature of climate change has consequences for policies on Homes, the Natural Environment, Design, Health and Wellbeing, and Infrastructure and Facilities. (Please note that we make additional representations on the soundness of those Chapters.)

[italic] Incidentally, the draft Plan wrongly labels Chapter 9 Sustainable Transport and Communication as being Chapter 8, and Chapter 11 History and Heritage, as being Chapter 10. *[italic]*

Modifications: In order to fully reflect the NPPF's dual approach to tackling the challenge of climate change, additional wording is needed in the Introduction to the draft Local Plan Chapter on Climate Change. This wording should highlight the responsibility of Plan Making and Development Management for moderating and dealing with the impact of climate change, for instance increased summer temperatures, the increased likelihood of storms, high winds and other extreme weather, the change in rainfall leading to both drought and flooding, the loss of biodiversity, the danger to soil health, and so on. Paragraphs 157 to 159 of the NPPF and ECC Evidence report

[Italic] "Delivering Policy CC7: Development that is adaptive and resilient to climate change Centre for Energy and the Environment Internal Document 1070 November 2024" [italic] [1] provide relevant introductory wording.

For example:

"By 2070 Devon's average climate is expected to see a 2.66°C increase in temperature, a decrease in rainfall by 0.16mm/day, a decrease in cloudiness by 17.06 watts/m² and decrease in windiness by 0.15m/sec. Summer temperatures are expected to increase by 3.28°C whilst rainfall decreases by 0.77mm/ day.

These changes mean an increased risk of overheating, reduced indoor and outdoor air quality, reduced water availability and increased occurrence of drought. Winter temperatures are predicted to increase by 1.90 degrees whilst rainfall increases by 0.37 mm/day, increasing flood risk, particularly in urban areas.

New buildings must be adapted to the shifting climatic conditions to prolong the longevity of the building and protect its occupants. The CCC reports that it is vastly more cost effective for developments to be adapted to the effects of climate change at the new build stage than to retrofit buildings later."

[Footnotes]

[1] <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733846968/projects/66e1bd7c5ec13e2bc2471edb/media-upload/2024%20Delivering%20Policy%20CC7%20-%20Development%20that%20is%20adaptive%20and%20resilient.pdf/idohgynwh2kw9gscodgn.pdf>

Requested to attend examination?: Yes

Ref: F-02-05-CC1b

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC1: Net zero Exeter (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: [bold] Policy CC1 unsound: Effectiveness (deliverability). [bold]

The objective for this section and policy cannot be effective or delivered if it is not fully specified, so that developers know what they need to provide, and development management is able to check development proposals against unambiguous requirements. CC1 requires some amendment in this respect.

CC1a: the requirement for [italic]'...place specific solutions...' [italic] in this policy is imprecise and, as such, is not capable of delivery. The Plan needs to define place specific solutions by giving examples.

CC1b: "Minimising the need to travel and maximising walking, wheeling, cycling and public transport;" does not demonstrate how it accords with NPPF 108 d [1] as it fails to recognise the environmental impacts, mitigations and also gains in line with and NPPF 109 [2]. The significant reductions in greenhouse gas emissions required from transport in the city [3] & [4] will not simply be met by 'reducing the need to travel' and 'maximising journeys by walking, wheeling, cycling and public transport'. The policy should more specifically set out how it reduce greenhouse gas emissions from vehicles including reducing [italic] reliance [italic] on the private car [5] i.e. fear journey by private car (5,p16), and [italic] modal shift [italic] to public transport and active travel and public transport which require specific policy objectives and relevant infrastructure enabled through the planning system.

CC1c: "Applying a fabric first approach to maximise energy efficiency;" needs to be underpinned by development design that explicitly builds in [bold] demand reduction [bold] and [bold] energy efficiency ... demonstrable through a recognised standard [bold] [6] . Reducing energy consumption is an explicit goal of the Net Zero 2030 plan for the city [7] (part of ECCs evidence pack) 'Reduced Energy Consumption' [8] and set out in Liveable Exeter Principle 4 Liveable buildings. "Ensure buildings are energy efficient, adopt a fabric-first approach and apply high performance standards such as Passivhaus and whole-life carbon assessment;"

CC1f: "Applying the principles of the circular economy" - is a welcome policy, however these principles are not defined locally and government guidance [9] refers variously to waste and policy yet to be developed [10] so the wording is imprecise. The London Local plan policy [11] assists with a development of these ideas and clarification appropriate to the planning system.

CC1d: "Maximising renewable and low carbon energy generation" is an enabling policy. However demand reduction is omitted as a first principle in line with the Devon Carbon Plan [12] - which will drive the effective implementation of the fabric first approach. Demand reduction also reduces the need for infrastructure associated

with renewables and the grid.

CC1h: the requirement for [bold] '...landscape-led schemes...' [bold] in this policy is imprecise and, as such, is not capable of delivery. The Plan needs to define landscape-led schemes by giving examples and referencing relevant policies outwith the Local plan such as the Local Nature Recovery strategy.

CC1g: This Policy is about achieving net-zero. While the requirements about reducing flood risk may well be deliverable in themselves, it is difficult to see '...how they will support the achievement of net-zero...' (Policy CC1 line 3). This Chapter's objective is to "Make the fullest possible contribution to the mitigation of, and adaptation to, climate change working towards a net zero carbon city" - and the requirements in CC1g help to build resilience and aid adaptation when dealing with climate change: as such they are welcome, but detailed measures should be set out in Policy CC8.

[bold] Policy CC1 unsound: Consistency with National Policy (NPPF 2023) [bold]

CC1a: NPPF (2023) para 159b includes [bold] orientation [bold] as a relevant factor to be taken into account in Plan making but CC1a does not mention it. NPPF (2023) para 162b also includes [bold] orientation as well as landform and massing [bold] as factors to be taken into account when determining planning applications: again these are missing from Policy CC1a.

The NPPF at para 162b cites these features' usefulness in minimising energy consumption. This is not mentioned in Policy CC1 but should be as it is distinct from the Policies otherwise welcome reference to maximising energy efficiency, in CC1c, which is also - but separately - required by NPPF.

[Footnotes]

[1] [italic] "the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account " including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains;" [italic]

[2] [italic] ... through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. [italic]

[3] [Embedded link:

<https://committees.exeter.gov.uk/documents/s97276/1063%20v1.1%20Exeters%20greenhouse%20gas%20reporting%202024%20DRAFT.pdf>]

[4] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1664376971/projects/62bf1c11a56abd0b365a28db/media-upload/2021%20GHG%20Monitoring%20Report%20for%202019.pdf/blrdg12sxd1389a4iott.pdf>] - GHG monitoring report 2019 - part of the evidence base

[5] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1700219468/projects/62bf1c11a56abd0b365a28db/media-upload/Exeter%20Transport%20Strategy%202020-2030.pdf/beriwb3bi16yldok9siz.pdf>] part of the evidence base

[6] [Embedded link: <https://ukgbc.org/wp-content/uploads/2024/07/Certifications.pdf>]

[7] Exeter Net Zero 2030 plan - [Embedded link: <https://res.cloudinary.com/commonplace-digital->

limited/image/upload/v1664191887/projects/62bf1c11a56abd0b365a28db/media-upload/2020%20Net%20Zero%20Exeter%202030%20Plan.pdf/fizlagwhbiegwzbx7esv.pdf]

[8] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1664191887/projects/62bf1c11a56abd0b365a28db/media-upload/2020%20Net%20Zero%20Exeter%202030%20Plan.pdf/fizlagwhbiegwzbx7esv.pdf>]

[9] [Embedded link: <https://www.gov.uk/government/publications/circular-economy-package-policy-statement/circular-economy-package-policy-statement>]

[10] [Embedded link: <https://www.gov.uk/government/groups/circular-economy-taskforce>]

[11] [Embedded link: https://www.london.gov.uk/sites/default/files/design_for_a_circular_economy_web_1.pdf]

[12] [Embedded link: <https://devonclimateemergency.org.uk/8-energy-supply/>]

Modifications: [bold] To improve effectiveness: [bold]

Add to introduction of policy wording: [italic] "New development is expected to incorporate sustainable design and construction principles of the highest environmental standards in order to reduce greenhouse gas emissions, conserve water, minimise waste and flood risk and enhance biodiversity, air and water quality." [italic]

Specify what is meant by [bold] "place specific solutions" [bold] in CC1 a (illustrating how the requirement will aid net zero) so that they can be delivered in development proposals.

Specify, within this policy, what is meant by [bold] "landscape-led schemes" [bold] (explaining how they contribute to net-zero, for instance in providing carbon sinks, nature recovery programmes and enhancing ecological networks) so that they can be delivered in development proposals. If they don't contribute to net-zero, but are able to aid resilience and adaptation, move the requirement to Policy CC7.

Demonstrate how delivery of CC1g would aid net -zero. And specify the If it doesn't do so, move the requirements into Policy CC8.

CC1b Reword policy to accord with NPPF (cited above above), for example: [italic] "Development proposals will be required to demonstrate how they will support the achievement of Net Zero by minimising the need for private car travel, and provide sustainable alternatives including public transport, reducing vehicle emissions through the use of zero emission vehicles, including buses, and providing and contributing to a wider good network of safe and accessible cycling, walking and wheeling routes and public transport. Travel Plans should include an assessment of the carbon and other transport related emissions." [italic]

6. [bold] Monitoring: [bold] To include in S17 monitoring relevant indicators, targets and approach to align with policies in CC1 an indicator and target for the reduction in congestion and greenhouse gas emissions from transport in the city by the end of the plan period. To be achieved in partnership with other authorities based on the Exeter Local Plan and the Local Transport Plan.

Add in bold [italic] "STC3: Supporting active travel" [italic] [bold] a target for 50% of trips within the city are being made on foot or by bike" [bold]

This will amend the target to prived a specific target which accords with the Local transport plan targets.

Amend CC1c. to include *"Reducing energy demand and [applying a fabric first approach to maximise energy efficiency] to a recognised energy efficiency standard."* *This will accord with Principle 4 Liveable buildings and enable the application of the relevant standard for domestic or commercial properties and enable an assessment of the effectiveness of this policy.*

Amend CCf: *"Applying the principles of the circular economy"* add... *"which 'prioritises retention and refurbishment over demolition and rebuilding. It means designing buildings that can be adapted, reconstructed and deconstructed to extend their life and that allow components and materials to be salvaged for reuse or recycling."* *This addition specifies what is meant in regard to the circular economy, so will improve the effectiveness and deliverability of this policy.*

To improve consistency with National Policy:

Amend CC1a to read '*...Considering location, urban form, density, massing, landform, orientation...*'

Amend wording of either CC1a or CC1e to mention minimising energy demand and consumption.

Requested to attend examination?: Yes

Ref: H-02-05-CC1

Representor: Anonymous

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC1: Net zero Exeter (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: -

Duty to Co-operate?: -

Comments: Fully support the transition to net-zero. This is essential and needs to be done quickly.

Modifications: -

Requested to attend examination?: No

Ref: C-08-05-CC2

Representor: Churchill Living and McCarthy Stone

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC2: Renewable and low carbon energy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The draft policy (CC1) seeks the following:

[italic] The City Council has an ambition for the city to be net zero by 2030. Development proposals will be required to demonstrate how they will support the achievement of net zero through each of the following: a. Considering location, urban form, density and place-specific solutions; b. Minimising the need to travel and maximising walking, wheeling, cycling and public transport; c. Applying a fabric first approach to maximise energy efficiency; d. Maximising renewable and low carbon energy generation; e. Minimising operational and embodied carbon emissions; f. Applying the principles of the circular economy; g. Utilising SuDS and other nature-based solutions to deliver flood risk management; and h. Providing green infrastructure, biodiversity net gain and landscape-led schemes. All major development proposals will be required to submit a Net Zero Statement setting out how the development will address each of the requirements of the policy. [italic]

Policies CC2-CC9 are an extension of the above strategic policy.

Whilst the Councils commitment to meeting both its and the UK Governments target of net zero carbon emissions is commendable, it appears that the Council is going to achieve this through having carbon and climate standards from adoption of the plan that may go beyond government targets.

However, it is our view that any requirement should be 'stepped' in line with Government targets and the proposed changes to the building regulations and the section amended substantially.

This approach is confirmed within the Ministerial Statement (statement no : Statement UIN HCWS123 available from [embedded link] <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123> [embedded link]) released on 13th December 2023. The ministerial statement confirms, with respect to the net zero goal that:

[italic] 'The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Governments commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-

reasoned and robustly costed rationale and "To be sound, local plans must be consistent with national policy" enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, including this one' [italic]

It is unclear how these requirements are costed and measured within the plan wide viability study and expected to be applied to development typologies which are shown to be unviable with other requirements e.g. affordable housing.

Looking specifically at housing for older people, the council has failed to demonstrate that the cumulative effects of policy would allow such proposals to viably come forward.

[italic] 'Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage' [italic] (Paragraph: 002 Reference ID: 10-002-20190509).

As drafted, the plan fails to demonstrate sufficient flexibility to ensure that proposed policies will not simply stop certain typologies coming forward. In many cases, the council is ignoring the findings of its viability study which will result in workable policies for developers.

The policy ignores the requirements of national policy and the viability PPG to test viability on a typology basis and prepare policy in view of the findings of this evidence base.

The council's evidence base is clear that the proposed infrastructure requirements in respect of zero carbon standards cannot be delivered on housing for older persons proposals together with the full range of other requirements.

Modifications: The Council should re-consider the Policies CC1 - CC9 to ensure requirements are not going beyond government targets in line with the ministerial statement UIN HCWS123.

As drafted, this range of policies are unclear as to how and when zero carbon development standards will be fully implemented. However, it is clear that the expectation is that this will be before the government's current expectation. This will place significant pressure on development in Exeter as technology and economies of scale will not exist in line with national expectations. There is a danger that developers and investors will simply choose to invest elsewhere if policy goes too fast and too soon. It is unclear how the plan addresses these risks to ensure policies are deliverable.

It is recommended that targets are firstly shown to be fully viable and deliverable in the form of the plan wide study with appropriate costings transparently applied. Secondly, the targets should be flexibly applied with reference taken to building regulation updates at the appropriate times in line with national policy movement on each matter.

The Council should re-consider the Policies CC1 - CC9 to ensure requirements are not going beyond government targets in line with the ministerial statement UIN HCWS123.

Exemptions must be allowed where viability is an issue.

It is recommended that the council reconsider the drafting of these policies given the cost impact and uncertainty

surrounding timings. This is likely to create significant uncertainty for investors in house building given that the policies as drafted are unclear.

Requested to attend examination?: Yes

Ref: C-41-05-CC2

Representor: University of Exeter

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC2: Renewable and low carbon energy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University welcomes policy CC2 and its support for new renewable and low carbon energy-generating development and associated infrastructure.

Modifications: -

Requested to attend examination?: No

Ref: D-01-05-CC2

Representor: Devon Archaeological Society

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC2: Renewable and low carbon energy (Strategic policy)

Paragraph: 5.14

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: We note that the text of the Plan has not been carefully proof read and that additions and alterations since the previous draft have not always been followed through by correction of cross references and the like. We noted errors of this sort on p. 25 (where in line 2 'HH2' should now read 'HH4'), and p. 105 (where at 11.47 'HH3' should now read 'HH5'), and there may have been other similar instances we did not note in reading the text. Care will be needed to ensure accurate cross-referencing in the final version.

Modifications: [...] in line 2 'HH2' should now read 'HH4'.

Requested to attend examination?: Yes

Ref: D-09-05-CC2

Representor: RSPB

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC2: Renewable and low carbon energy (Strategic policy)

Paragraph: 5.14

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: The RSPB considers this policy is essential so that developments arising from the new Local Plan contribute to achieving net zero. However, we highlight a current lack of clarity in the statement “will be supported where proposals avoid unacceptable impacts on amenity and the natural, historic and built environments.” There is no definition of what “unacceptable impacts” would be. In regard to the natural environment, the RSPB recommends that unacceptable impacts would be adverse impacts on priority species and habitats, and designated sites where there are no suitable alternatives and where appropriate mitigation (or compensation) cannot be secured to avoid loss. The RSPB is keen that, in pursuing renewable and low carbon energy developments, this is not to the detriment of the natural environment.

Modifications: -

Requested to attend examination?: No

Ref: B-03-05-CC3

Representor: Historic England

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC3: Local energy networks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Clarification requested. Historic England has previously raised the issue that the [italic] Heat network evidence [italic] seems to relate mainly to technical feasibility. We highlighted that combined heat and power networks will often include below ground infrastructure that may impact on archaeology. We therefore welcome the inclusion within Policy CC3 of a new allowance for developers to demonstrate at detailed design stage whether a scheme is feasible and viable.

Bearing in mind the prevalence of highly significant archaeology in areas of Exeter including the City Centre and South Gate, we also queried whether archaeological potential had been considered as part of the evidence for the proposed locations. We are not aware of any existing or new evidence on this matter. To ensure that the policy is effective, we therefore request additional wording in the policy or supporting text to highlight the importance of considering archaeology when planning heat networks.

Modifications: Insert into policy or otherwise supporting text:

[underline] "Potential impacts on archaeology will need to be considered when establishing the feasibility of a heat network." [underline]

Requested to attend examination?: -

Ref: B-04-05-CC3

Representor: National Grid Electricity Distribution

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC3: Local energy networks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: NGED does not object to the proposed use of local energy networks for development proposals and development areas within the City. However, the provision of local energy networks remains reliant on availability of capacity within the National Grid. As outlined above, 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. The delivery of these reinforcements is not scheduled to take place until at least 2036 – 2041 and these timescales cannot be relied upon until planning permission is secured for the necessary infrastructure.

The provision of local energy networks does not circumvent the need to deliver the necessary grid reinforcements.

NGED appreciates that the limitations within the existing grid network pose a significant constraint to the delivery of new development within the City over the plan period. NGED is willing to work collaboratively with the local planning authority to identify any opportunities to bring forward development, including improvements to the grid, at the earliest opportunity.

Modifications: -

Requested to attend examination?: Yes

Ref: C-01-05-CC3

Representor: 1 Energy (Exeter Energy Limited)

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC3: Local energy networks (Strategic policy)

Paragraph: 5.15 to 5.17

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The wording of Policy CC3 wording has been unchanged from the original draft of the local plan. Since this publication a new government has set out an agenda which has set out a commitment towards zero carbon. Plans announced include the [italic] Plan for Change [italic] to make Britain a clean energy superpower to drive economic growth and bring down bills for households and businesses.

In December 2024, a Clean Power Action plan was announced by the Energy Secretary where it was said that:

[italic] “The era of clean electricity is about harnessing the power of Britain’s natural resources so we can protect working people from the ravages of global energy markets.” [italic]

There is a clear focus on delivering clean power and energy infrastructure to 2030. Exeter City Council have announced a climate emergency, and published a Net Zero Exeter 2030 Plan. This commits the Council to achieving net zero within the next 5 years. Clearly this is an ambitious target. We therefore feel that the wording of this policy can be strengthened and the legislative background and the reinforcement within the new NPPF on renewable technology should be included within the policy.

[bold] The National Planning Policy Guidance (NPPG) [bold] says that:

[italic] “Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking.

In addition to the statutory requirement to take the Framework into account in the preparation of Local Plans, there is a statutory duty on local planning authorities to include policies in their Local Plan designed to tackle climate change and its impacts. This complements the sustainable development duty on plan-makers and the expectation that neighbourhood plans will contribute to the achievement of sustainable development. The National Planning Policy Framework emphasises that responding to climate change is central to the economic, social and environmental dimensions of sustainable development.” [italic] [ID Paragraph 1 6-001-20140306]

[bold] National Planning Policy Framework (updated December 2024)

The NPPF was revised in December 2024, and includes important considerations in the drive towards carbon reduction and includes a commitment to transition to zero by 2050. These changes are underlined below. [bold]

Paragraph 161: This sets a target date of a transition to [underline] zero by 2050 [underline] and take full account

[underline] of all climate impacts [underline].

Para 168: When determining planning applications for [underline] all forms [underline] of renewable and low carbon development [underline] energy developments and their associated infrastructure, [underline] local planning authorities should:

- not require applicants to demonstrate the overall need for renewable or low carbon energy, and [underline] give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future; [underline]

National policy does, and therefore local planning policy should, give [underline] significant weight [underline] to the benefits associated with low carbon energy generation. This should be reflected in both the policy preamble, and the wording of the policy itself.

There is currently nothing within the policy itself which [bold] is positively worded [bold] in the support it should be giving to technology such as energy centres. As drafted, the policy merely states where energy centres are proposed rather than 'proposing' AND 'supporting' them.

Furthermore, the NPPF gives specific reference at [bold] paragraph 86 [bold] that planning policies [italic] "should set out a clear vision and strategy which positively and proactively encourages sustainable economic growth having regard to the national industrial strategy Invest 2035: The UK's Modern Industrial Strategy which identifies priority sectors for growth and support which includes clean energy industries." [italic] Invest 2035 states that:

[italic] "The government's growth mission will lead the way in delivering growth for all. Reforms are already underway to address planning barriers to growth, channel finance towards growth priorities, and accelerate the transition to net zero.

The UK is committed to sustainable growth – growth that is aligned with our net zero and environmental objectives.

The UK approach will demonstrate global climate leadership, including focusing on supporting the clean energy mission. It will build a strong domestic industrial base across services and manufacturing to gain strategic economic advantage – creating good, well-paid jobs in the green sectors of today and of the future. This includes opportunities presented by the circular economy.

The net zero objectives for the industrial strategy will be to:

- capture the growth opportunities of the clean energy mission and net zero transition
- identify and support clean energy industrial sectors with the greatest growth potential.
- align sector plans with net zero and environmental objectives" [italic]

Against this background of the growth in the renewable sector, there is a strong presumption that these types of developments should be supported and this needs to be reflected in the policy wording.

Modifications: [...]

Against this background of the growth in the renewable sector, there is a strong presumption that these types of developments should be supported and this needs to be reflected in the policy wording.

Assessing the changes in the NPPF against policy CC3:

To effectively support the emphasis placed within the revised NPPF on renewable energy and technology, the very first line of the policy should support these types of proposals and should read:

1. **Proposals for the development of local energy networks** shall be supported...

The wording should include the **infrastructure associated with energy centres**, and for the avoidance of doubt, any areas within the current heat network LDO should be considered to fall within this policy and should be stated within the policy.

2. “Compatible with”

The proposed policy states that heating systems (water and space) must be constructed to be “compatible with” the proposed or existing local energy network. We support the inclusion of both water and space heating within the policy, and would support the wording being strengthened from “compatible with” to **“designed for connection to”**. This is in line with existing Greater London Authority policy which states that Energy Assessments should “demonstrate that connection to existing or planned district heating networks has been prioritised”, and “commit to a communal heat network to allow connection to existing or planned district heating networks identified in the area” [Embedded link:

https://www.london.gov.uk/sites/default/files/gla_energy_assessment_guidance_june_2022_0.pdf]

For the avoidance of doubt, electric heating should not be considered to be “compatible with” heat network connection unless other options have been proven to be unfeasible, as water heating demand alone will render a heat network connection unviable as well as resulting in higher energy bills for residents due to the high cost of running direct electric heating systems. The only exception should be where a building is certified Passivhaus.

3. “Allow connection to”

With regards the suggested wording for heating systems to “allow connection to” we recommend the policy is strengthened (in line with the NPPF) so that new developments “prioritise connection to” a proposed or existing local heat network. This is in line with existing policies in other Local Authorities.

4. Emerging Heat Network Zoning powers:

We also point out that **“requiring”** **connection to a heat** would have been in line with emerging Heat Networks Zoning powers established within the Energy Act 2023, and was the subject of a consultation (Proposals for heat network zoning 2023 - GOV.UK (www.gov.uk)). Current proposals are for Heat Network Zoning to place a requirement on certain buildings within a zone to connect to a heat network. The types of building subject to this requirement will be:

- New buildings
- Existing communally heated buildings
- Some existing non-domestic, non-communally heated buildings.

Exeter is one of 28 cities that were included in a Heat Network Zoning pilot project, and a map has been produced of the areas where this will be implemented and is attached with this representation. It would therefore be highly relevant to **strengthen the policy wording to emphasize the significant weight** that is given to energy generation schemes, and this will also ensure that the plan aligns with the Energy Act 2023.

5. Low carbon heat:

The final recommendation here we make is that the proposed policy should explicitly state that communal heating systems should prioritise low-carbon and renewable energy sources – [bold] in line with the new NPPF. [bold] This aligns with broader sustainability goals and encourages developers to adopt environmentally friendly technologies.

In summary, in accordance with the requirements of the revised NPPG (2024), the policy needs to be positively worded to reflect the new government agenda in reaching net zero, and the positive and radical approach that the Council will need to make to meet this within the next 5 years.

Requested to attend examination?: Yes

Ref: C-03-05-CC3

Representor: Anne Codner

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC3: Local energy networks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As above, whilst we support the principle of managing climate change and working toward net zero, we consider draft Policy CC3 to be unsound on the basis of its proposed requirement for all new development of a certain scale to consider connection to, or futureproof for connection to, heat networks within specified distances.

Firstly, this requirement appears to pre-judge that energy networks are more environmentally and economically sustainable than any site specific energy strategy which a development might be able to deliver independently. There is no evidence to justify this, nor would the developer have any control over the sustainability of the network the draft Policy requires them to consider connection to. This requirement could have the opposite effect and stymie opportunities for extremely environmentally sustainable solutions to come forward on individual sites.

Secondly, although “feasibility” and “viability” are caveats mentioned within the draft Policy, the requirements of draft Policy CC3 would create a scenario whereby owners of heat networks (which are entirely unregulated) could impose whatever commercial terms they like to developers with projects caught by the policy. This also offers no protection for future residents or occupiers of schemes in terms of energy costs, or the ability to shop around for lower energy costs. This is entirely unreasonable and unjustified.

Taking account of both points above, the viability evidence underpinning the draft Plan confirms that *“no specific allowances made”* *for this draft Policy in the testing work undertaken*, meaning that there is no evidence to consider the impact of this draft Policy on viability. Therefore it is unjustified.

Modifications: On the basis of the comments above, no alternative wording is proposed. Instead these representations encourage the Council to reconsider this draft Policy.

Requested to attend examination?: Yes

Ref: C-07-05-CC3

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC3: Local energy networks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Policy CC3 (Local energy networks) is worded as follows:

[italic] Local energy networks are proposed in the following locations:

- a) Monkerton and Hill Barton;
- b) The city centre, South Gate, Heavitree Road and Wonford;
- c) Matford, Marsh Barton, Water Lane and Exe Bridges Retail Park;
- d) Red Cow, New North Road and the University of Exeter; and
- e) In other locations across the city where it is shown that it is feasible and viable to bring forward a local energy network.

Within these areas, and throughout the city within 500 metres of any local energy network subject to a contractual commitment, all new development (either new build or conversion) with a floorspace of at least 1,000 square metres, or comprising ten or more homes, must be constructed to have heating (water and space) systems compatible with the proposed or existing local energy network and include provision for the necessary pipework connection from those in-building systems up to the appropriate site boundary to allow for future connection to the network when available, unless it can be demonstrated by the applicant at the detailed design stage, having regard to the type of development involved and its design, that this is not feasible or viable.

Elsewhere, any large scale residential or non-residential development proposal must demonstrate that consideration has been given to whether it is feasible and viable for that development to be connected to any local energy network [italic]

The Client objects to the requirement of connecting to a local energy network on the basis that:

- If an applicant is obliged to connect to a local energy network then they are forced to pay the charges put in place by the network. As such, if the costs increase, the developer then has no choice but to pay – there is no flexibility to shop around for a different provider. Putting a developer in this position through policy is considered unlawful.
- If the applicant can provide evidence that another method is more sustainable or generates less emissions, then the policy should allow for this to be prioritised over connection to the energy network.
- Where the local energy networks are not yet in place, the policy does not consider the embodied carbon associated with the digging of these new network and the impact that this may therefore have on overall emissions.

- Local energy networks are very intricate, relying on specific and complex calculations to work. As such, if the way in which the network was powered were proposed to be changed, the network may no longer work for the buildings relying on existing connections. This may result in the networking being unsustainable.
- Where the network is not yet in place and buildings will be required to connect once available, the policy does not consider the embodied carbon involved in discarding the current heat/energy sources e.g. air source heat pumps, which are often working very efficiently as they are. This may therefore be counterproductive.

Modifications: [bold] Recommendations: [bold] Policy CC3 is amended to remove the challenging and often unviable requirement to join a local energy network and instead consider and allow flexibility for the use of other methods of heat generation where it is demonstrated that these are more sustainable and efficient.

Requested to attend examination?: Yes

Ref: C-08-05-CC3

Representor: Churchill Living and McCarthy Stone

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC3: Local energy networks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The draft policy (CC1) seeks the following:

[italic] The City Council has an ambition for the city to be net zero by 2030. Development proposals will be required to demonstrate how they will support the achievement of net zero through each of the following: a. Considering location, urban form, density and place-specific solutions; b. Minimising the need to travel and maximising walking, wheeling, cycling and public transport; c. Applying a fabric first approach to maximise energy efficiency; d. Maximising renewable and low carbon energy generation; e. Minimising operational and embodied carbon emissions; f. Applying the principles of the circular economy; g. Utilising SuDS and other nature-based solutions to deliver flood risk management; and h. Providing green infrastructure, biodiversity net gain and landscape-led schemes. All major development proposals will be required to submit a Net Zero Statement setting out how the development will address each of the requirements of the policy. *[italic]*

Policies CC2-CC9 are an extension of the above strategic policy.

Whilst the Councils commitment to meeting both its and the UK Governments target of net zero carbon emissions is commendable, it appears that the Council is going to achieve this through having carbon and climate standards from adoption of the plan that may go beyond government targets.

However, it is our view that any requirement should be 'stepped' in line with Government targets and the proposed changes to the building regulations and the section amended substantially.

This approach is confirmed within the Ministerial Statement (statement no : Statement UIN HCWS123 available from [\[embedded link\] https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123](https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123) [\[embedded link\]](#)) released on 13th December 2023. The ministerial statement confirms, with respect to the net zero goal that:

[italic] 'The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Governments commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-

reasoned and robustly costed rationale and "To be sound, local plans must be consistent with national policy" enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, including this one' [italic]

It is unclear how these requirements are costed and measured within the plan wide viability study and expected to be applied to development typologies which are shown to be unviable with other requirements e.g. affordable housing.

Looking specifically at housing for older people, the council has failed to demonstrate that the cumulative effects of policy would allow such proposals to viably come forward.

[italic] 'Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage' [italic] (Paragraph: 002 Reference ID: 10-002-20190509).

As drafted, the plan fails to demonstrate sufficient flexibility to ensure that proposed policies will not simply stop certain typologies coming forward. In many cases, the council is ignoring the findings of its viability study which will result in workable policies for developers.

The policy ignores the requirements of national policy and the viability PPG to test viability on a typology basis and prepare policy in view of the findings of this evidence base.

The council's evidence base is clear that the proposed infrastructure requirements in respect of zero carbon standards cannot be delivered on housing for older persons proposals together with the full range of other requirements.

Modifications: The Council should re-consider the Policies CC1 - CC9 to ensure requirements are not going beyond government targets in line with the ministerial statement UIN HCWS123.

As drafted, this range of policies are unclear as to how and when zero carbon development standards will be fully implemented. However, it is clear that the expectation is that this will be before the government's current expectation. This will place significant pressure on development in Exeter as technology and economies of scale will not exist in line with national expectations. There is a danger that developers and investors will simply choose to invest elsewhere if policy goes too fast and too soon. It is unclear how the plan addresses these risks to ensure policies are deliverable.

It is recommended that targets are firstly shown to be fully viable and deliverable in the form of the plan wide study with appropriate costings transparently applied. Secondly, the targets should be flexibly applied with reference taken to building regulation updates at the appropriate times in line with national policy movement on each matter.

The Council should re-consider the Policies CC1 - CC9 to ensure requirements are not going beyond government targets in line with the ministerial statement UIN HCWS123.

Exemptions must be allowed where viability is an issue.

It is recommended that the council reconsider the drafting of these policies given the cost impact and uncertainty

surrounding timings. This is likely to create significant uncertainty for investors in house building given that the policies as drafted are unclear.

Requested to attend examination?: Yes

Ref: C-15-05-CC3

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC3: Local energy networks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As above, Edenstone support the principle of managing climate change and working toward net zero, and acknowledge the role that low carbon energy networks can play in this.

However Edenstone consider draft Policy CC3 to be unsound on the basis of its proposed requirement for all new development of a certain scale to consider connection to, or futureproof for connection to, heat networks within specified distances.

Firstly, this requirement appears to pre-judge that energy networks are more environmentally and economically sustainable than any site specific energy strategy which a development might be able to deliver independently. There is no evidence to justify this, nor would the developer have any control over the sustainability of the network the draft Policy requires them to consider connection to. This requirement could have the opposite effect and stymie opportunities for extremely environmentally sustainable solutions to come forward on individual sites.

Secondly, although [italic] “feasibility” [italic] and [italic] “viability” [italic] are caveats mentioned within the draft Policy, the requirements of draft Policy CC3 would create a scenario whereby owners of heat networks (which are entirely unregulated) could impose whatever commercial terms they like to developers with projects caught by the policy. This also offers no protection for future residents or occupiers of schemes in terms of energy costs, or the ability to shop around for lower energy costs. This is entirely unreasonable and unjustified.

Taking account of both points above, the viability evidence underpinning the draft Plan confirms that [italic] “no specific allowances made” [italic] for this draft Policy in the testing work undertaken, meaning that there is no evidence to consider the impact of this draft Policy on viability. Therefore it is unjustified.

Modifications: On the basis of the comments above, no alternative wording is proposed. Instead these representations encourage the Council to reconsider this draft Policy.

Requested to attend examination?: Yes

Ref: C-25-05-CC3

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC3: Local energy networks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Similar to our response to draft Policy CC2, whilst Morgan Real Estate support the principle of managing climate change and working toward net zero, it is considered that draft Policy CC3 is currently unsound on the basis of its proposed requirement for all new development of a certain scale to consider connection to, or futureproof for connection to, heat networks within specified distances.

Firstly, this requirement appears to pre-judge that energy networks are more environmentally and economically sustainable than any site specific energy strategy which a development might be able to deliver independently. There is no evidence to justify this, nor would the developer have any control over the sustainability of the network the draft Policy requires them to consider connection to. This requirement could have the opposite effect and stymie opportunities for extremely environmentally sustainable solutions to come forward on individual sites.

Secondly, although “feasibility” and “viability” are caveats mentioned within the draft Policy, the requirements of draft Policy CC3 would create a scenario whereby owners of heat networks (which are entirely unregulated) could impose whatever commercial terms they like to developers with projects caught by the policy. This also offers no protection for future residents or occupiers of schemes in terms of energy costs, or the ability to shop around for lower energy costs. This is entirely unreasonable and unjustified.

Taking account of both points above, the viability evidence underpinning the draft Plan confirms that “no specific allowances made” for this draft Policy in the testing work undertaken, meaning that there is no evidence to consider the impact of this draft Policy on viability. Therefore it is unjustified.

Modifications: On the basis of the comments above, no alternative wording is proposed. Instead these representations encourage the Council to reconsider this draft Policy.

Requested to attend examination?: Yes

Ref: C-36-05-CC3

Representor: Taylor Wimpey

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC3: Local energy networks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The policy is unsound as it is unjustified and contrary to national policy.

The plan places significant emphasis upon climate change and whilst the importance of this issue is not disputed by our client, we do have concerns regarding the Council's stance upon local energy networks.

The policy identifies that throughout the city and within 500m of any local energy network subject to a contractual commitment any residential development of 10 or more homes or non-residential development of at least 1,000 square metres must be constructed to have heating (water and space) systems compatible with the proposed or existing local energy network and include provision for the necessary pipework connection from those in- building systems up to the appropriate site boundary. This is to allow for future connection to the network when available. The only exceptions to this are when it can be demonstrated by the applicant at the detailed design stage, having regard to the type of development involved and its design, that this is not feasible or viable. The Council's stance assumes that 'de-centralised is best'.

The Council's evidence paper 'Heat network evidence to support emerging Exeter Plan policy CC3', dated November 2024 seeks to provide supportive evidence to the policy. Whilst this evidence paper distils the benefits of de-centralised energy it does not demonstrate that a de-centralised first approach to energy supply is any more or less 'green' than a mains extension. Without this evidence the policy requirement is unjustified. The Government has shown a clear desire to increase energy delivery from renewable sources such as wind and solar that will dramatically transform inputs into the national grid which will assist in decarbonising the grid. National Grid has set a commitment to a stepped transition to a zero carbon grid by 2050 in line with the Government's legal targets around carbon. This should be given due consideration.

It is also notable that the evidence paper fails to reference the NPPF within its brief discussion of national policy. The NPPF, paragraph 160(c), suggests plans should identify:

"...opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers".

Whilst "opportunities" are identified through the plan the NPPF does not require developers to connect to de-centralised networks. The assumption that decentralised is 'best' should therefore be removed from the plan and the policy reframed to provide support for such networks. Developers require the flexibility to utilise the latest technologies to deliver low carbon as they advance. The mechanisms to deliver low carbon change rapidly and

therefore the methodology should not be prescriptive.

Modifications: -

Requested to attend examination?: -

Ref: C-38-05-CC3

Representor: The Guinness Partnership Ltd

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC3: Local energy networks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: This policy requires developments within 500m of the City Centre to connect with existing energy networks or to provide the necessary pipework to connect to any future energy network. There is significant resistance within the development industry to future proof buildings so that they can be connected to theoretical energy networks due to the additional costs associated with the necessary upgrades, when several such schemes have been proposed and not come forward.

Modifications: This Policy should propose a cut off point whereby if an energy network scheme is not being considered, or has fallen through, that there should not be a future proof requirement.

Requested to attend examination?: -

Ref: C-40-05-CC3

Representor: TT Group

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC3: Local energy networks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Similar to our response to draft Policy CC2, whilst TT Group support the principle of managing climate change and working toward net zero, it is considered that draft Policy CC3 is currently unsound on the basis of its proposed requirement for all new development of a certain scale to consider connection to, or futureproof for connection to, heat networks within specified distances.

Firstly, this requirement appears to pre-judge that energy networks are more environmentally and economically sustainable than any site specific energy strategy which a development might be able to deliver independently. There is no evidence to justify this, nor would the developer have any control over the sustainability of the network the draft Policy requires them to consider connection to. This requirement could have the opposite effect and stymie opportunities for extremely environmentally sustainable solutions to come forward on individual sites.

Secondly, although “feasibility” and “viability” are caveats mentioned within the draft Policy, the requirements of draft Policy CC3 would create a scenario whereby owners of heat networks (which are entirely unregulated) could impose whatever commercial terms they like to developers with projects caught by the policy. This also offers no protection for future residents or occupiers of schemes in terms of energy costs, or the ability to shop around for lower energy costs. This is entirely unreasonable and unjustified.

Taking account of both points above, the viability evidence underpinning the draft Plan confirms that “no specific allowances made” for this draft Policy in the testing work undertaken, meaning that there is no evidence to consider the impact of this draft Policy on viability. Therefore it is unjustified.

Modifications: On the basis of the comments above, no alternative wording is proposed. Instead these representations encourage the Council to reconsider this draft Policy.

Requested to attend examination?: -

Ref: C-41-05-CC3

Representor: University of Exeter

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC3: Local energy networks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University notes the reference to a proposed local heat network covering St David's, Red Cow Village, New North Road and the University and confirms that potential for connection to heat networks (when available) is being considered by the University.

Modifications: -

Requested to attend examination?: No

Ref: D-07-05-CC3

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC3: Local energy networks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: CC3: Local Energy Networks (Strategic Policy)

Policy CC3 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

This policy identifies where local energy networks are proposed and states that within these areas and within 500m of any local energy network, all new development comprising ten or more homes must be constructed to have heating systems compatible with the proposed or existing local energy network and include the necessary pipework to allow for connection to the network. Elsewhere, any large-scale residential development proposal must demonstrate that consideration has been given to whether it is feasible and viable for that development to be connected to any local energy network.

The HBF is concerned about any policies which mandate connections to district heating networks. Heat networks are one aspect of the path towards decarbonising heat, however, currently the predominant technology for district-sized communal heating networks is gas combined heat and power (CHP) plants. Over 90% of district networks are gas fired. As 2050 approaches, meeting the Government's climate target of reducing greenhouse gas emissions to net zero will require a transition from gas-fired networks to renewable or low carbon alternatives such as large heat pumps, hydrogen or waste-heat recovery but at the moment one of the major reasons why heat network projects do not install such technologies is because of the up-front capital cost. The Council should be aware that for the foreseeable future it will remain uneconomic for most heat networks to install low-carbon technologies. This may mean that it is more sustainable and more appropriate for developments to utilise other forms of energy provision, and this may need to be considered. If the policy were to be pursued HBF considers any such requirement must be implemented on a flexible basis.

The Government consultation on Heat Network Zoning also identifies exemptions to proposals for requirements for connections to a heat network these include where a connection may lead to sub-optimal outcomes, or distance from the network connection points and impacts on consumers bills and affordability.

Furthermore, some heat network consumers do not have comparable levels of satisfaction as consumers on gas and electricity networks, and they pay a higher price. Currently, there are no sector specific protections for heat network consumers, unlike for people on other utilities such as gas, electricity or water. A consumer living in a building serviced by a heat network does not have the same opportunities to switch supplier as they would for most gas and electricity supplies.

Modifications: The HBF is concerned about any policies which mandate connections to district heating networks. [...] If the policy were to be pursued HBF considers any such requirement must be implemented on a flexible basis.

Requested to attend examination?: Yes

Ref: B-03-05-CC4

Representor: Historic England

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC4: Ground-mounted photovoltaic arrays

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As ground mounted PV arrays may also have direct physical impacts on below ground archaeology we request a slight adjustment to this policy to ensure it is consistent with national policy.

Modifications: e. Protect heritage assets and their setting s [strikethrough] of heritage assets [strikethrough] ;

Requested to attend examination?: -

Ref: C-07-05-CC4

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC4: Ground-mounted photovoltaic arrays

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The supporting text of Policy CC4 (Ground-mounted photovoltaic arrays) states that:
[italic] The Centre for Energy and the Environment (University of Exeter) was commissioned by the City Council to consider and map the potential for large scale ground-mounted photovoltaic (PV) arrays within the city. Whilst this high-level analysis does not assess suitability, it does suggest that there is potential for ground-mounted photovoltaic array development within the city boundaries...
Ground-mounted arrays will not be suitable for all sites. [italic]

On behalf of the Client, the following comments are made:

- Whilst the text states that not all sites will be suitable for ground-mounted photovoltaic arrays, it highlights that potential sites for arrays within the city are being considered.

Modifications: • The Client recommends that the wording is expanded further to note that ground-mounted photovoltaic arrays will not be appropriate to many city centre sites, which will be constrained by a number of factors. [bold] Recommendations: [bold] Policy CC4 is expanded to state that ground-mounted photovoltaic arrays are unlikely to be appropriate for city centre sites.

Requested to attend examination?: Yes

Ref: C-08-05-CC4

Representor: Churchill Living and McCarthy Stone

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC4: Ground-mounted photovoltaic arrays

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The draft policy (CC1) seeks the following:

[italic] The City Council has an ambition for the city to be net zero by 2030. Development proposals will be required to demonstrate how they will support the achievement of net zero through each of the following: a. Considering location, urban form, density and place-specific solutions; b. Minimising the need to travel and maximising walking, wheeling, cycling and public transport; c. Applying a fabric first approach to maximise energy efficiency; d. Maximising renewable and low carbon energy generation; e. Minimising operational and embodied carbon emissions; f. Applying the principles of the circular economy; g. Utilising SuDS and other nature-based solutions to deliver flood risk management; and h. Providing green infrastructure, biodiversity net gain and landscape-led schemes. All major development proposals will be required to submit a Net Zero Statement setting out how the development will address each of the requirements of the policy. [italic]

Policies CC2-CC9 are an extension of the above strategic policy.

Whilst the Councils commitment to meeting both its and the UK Governments target of net zero carbon emissions is commendable, it appears that the Council is going to achieve this through having carbon and climate standards from adoption of the plan that may go beyond government targets.

However, it is our view that any requirement should be 'stepped' in line with Government targets and the proposed changes to the building regulations and the section amended substantially.

This approach is confirmed within the Ministerial Statement (statement no : Statement UIN HCWS123 available from [embedded link] <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123> [embedded link]) released on 13th December 2023. The ministerial statement confirms, with respect to the net zero goal that:

[italic] 'The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Governments commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-

reasoned and robustly costed rationale and "To be sound, local plans must be consistent with national policy" enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, including this one' [italic]

It is unclear how these requirements are costed and measured within the plan wide viability study and expected to be applied to development typologies which are shown to be unviable with other requirements e.g. affordable housing.

Looking specifically at housing for older people, the council has failed to demonstrate that the cumulative effects of policy would allow such proposals to viably come forward.

[italic] 'Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage' [italic] (Paragraph: 002 Reference ID: 10-002-20190509).

As drafted, the plan fails to demonstrate sufficient flexibility to ensure that proposed policies will not simply stop certain typologies coming forward. In many cases, the council is ignoring the findings of its viability study which will result in workable policies for developers.

The policy ignores the requirements of national policy and the viability PPG to test viability on a typology basis and prepare policy in view of the findings of this evidence base.

The council's evidence base is clear that the proposed infrastructure requirements in respect of zero carbon standards cannot be delivered on housing for older persons proposals together with the full range of other requirements.

Modifications: The Council should re-consider the Policies CC1 - CC9 to ensure requirements are not going beyond government targets in line with the ministerial statement UIN HCWS123.

As drafted, this range of policies are unclear as to how and when zero carbon development standards will be fully implemented. However, it is clear that the expectation is that this will be before the government's current expectation. This will place significant pressure on development in Exeter as technology and economies of scale will not exist in line with national expectations. There is a danger that developers and investors will simply choose to invest elsewhere if policy goes too fast and too soon. It is unclear how the plan addresses these risks to ensure policies are deliverable.

It is recommended that targets are firstly shown to be fully viable and deliverable in the form of the plan wide study with appropriate costings transparently applied. Secondly, the targets should be flexibly applied with reference taken to building regulation updates at the appropriate times in line with national policy movement on each matter.

The Council should re-consider the Policies CC1 - CC9 to ensure requirements are not going beyond government targets in line with the ministerial statement UIN HCWS123.

Exemptions must be allowed where viability is an issue.

It is recommended that the council reconsider the drafting of these policies given the cost impact and uncertainty

surrounding timings. This is likely to create significant uncertainty for investors in house building given that the policies as drafted are unclear.

Requested to attend examination?: Yes

Ref: D-03-05-CC4

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC4: Ground-mounted photovoltaic arrays

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Ground-mounted photovoltaic arrays have enormous potential to support nature-rich habitat, in particular species-rich grassland. Applications for this type of proposal are often submitted which commit to creating biodiverse habitat, however once permission has been granted habitats have been observed to be poorly created or inadequately managed, resulting in a missed opportunity for wildlife.

Modifications: An additional bullet point is required for this policy which states that habitat creation within the site must be delivered to the highest standard, and managed for the lifetime of the development. Clear mechanisms must be put in place which ensure that these requirements are funded, delivered and monitored.

Requested to attend examination?: -

Ref: D-06-05-CC4

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC4: Ground-mounted photovoltaic arrays

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: ECS does not see why there is a policy about ground-mounted photovoltaic arrays only. Our reasons are:

- 1) According to 4.4, large, greenfield urban sites have been used up and there is 'very limited capacity for additional development on the edges of the city'. This leads to the policy to use brownfield sites (S1,4.-6.). CC4 seems to be in conflict with S1, despite the study mentioned under 5.19.
- 2) This policy unnecessarily limits the focus on PV arrays to ground-mounted, where ECS thinks there is more scope to recommend roof-mounted arrays for new buildings and encourage retrofitting them on existing buildings.
- 3) The policy should also be more future-proof, as, for example, (sea-)floating PV arrays could be advocated in the large Exe estuary in areas where they would not interfere with natural life.

Modifications: Widen the scope of the policy by including:

- a) Roof-mounted PV arrays on new buildings
- b) Encouragement of retrofitting PV arrays on existing housing stock
- c) Future-prove policy for new forms of PV arrays, such as floating ones or window pane ones.

Requested to attend examination?: Yes

Ref: C-08-05-CC5

Representor: Churchill Living and McCarthy Stone

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC5: Future development standards (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The draft policy (CC1) seeks the following:

[italic] The City Council has an ambition for the city to be net zero by 2030. Development proposals will be required to demonstrate how they will support the achievement of net zero through each of the following: a. Considering location, urban form, density and place-specific solutions; b. Minimising the need to travel and maximising walking, wheeling, cycling and public transport; c. Applying a fabric first approach to maximise energy efficiency; d. Maximising renewable and low carbon energy generation; e. Minimising operational and embodied carbon emissions; f. Applying the principles of the circular economy; g. Utilising SuDS and other nature-based solutions to deliver flood risk management; and h. Providing green infrastructure, biodiversity net gain and landscape-led schemes. All major development proposals will be required to submit a Net Zero Statement setting out how the development will address each of the requirements of the policy. [italic]

Policies CC2-CC9 are an extension of the above strategic policy.

Whilst the Councils commitment to meeting both its and the UK Governments target of net zero carbon emissions is commendable, it appears that the Council is going to achieve this through having carbon and climate standards from adoption of the plan that may go beyond government targets.

However, it is our view that any requirement should be 'stepped' in line with Government targets and the proposed changes to the building regulations and the section amended substantially.

This approach is confirmed within the Ministerial Statement (statement no : Statement UIN HCWS123 available from [embedded link] <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123> [embedded link]) released on 13th December 2023. The ministerial statement confirms, with respect to the net zero goal that:

[italic] 'The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Governments commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-

reasoned and robustly costed rationale and "To be sound, local plans must be consistent with national policy" enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, including this one' [italic]

It is unclear how these requirements are costed and measured within the plan wide viability study and expected to be applied to development typologies which are shown to be unviable with other requirements e.g. affordable housing.

Looking specifically at housing for older people, the council has failed to demonstrate that the cumulative effects of policy would allow such proposals to viably come forward.

[italic] 'Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage' [italic] (Paragraph: 002 Reference ID: 10-002-20190509).

As drafted, the plan fails to demonstrate sufficient flexibility to ensure that proposed policies will not simply stop certain typologies coming forward. In many cases, the council is ignoring the findings of its viability study which will result in workable policies for developers.

The policy ignores the requirements of national policy and the viability PPG to test viability on a typology basis and prepare policy in view of the findings of this evidence base.

The council's evidence base is clear that the proposed infrastructure requirements in respect of zero carbon standards cannot be delivered on housing for older persons proposals together with the full range of other requirements.

Modifications: The Council should re-consider the Policies CC1 - CC9 to ensure requirements are not going beyond government targets in line with the ministerial statement UIN HCWS123.

As drafted, this range of policies are unclear as to how and when zero carbon development standards will be fully implemented. However, it is clear that the expectation is that this will be before the government's current expectation. This will place significant pressure on development in Exeter as technology and economies of scale will not exist in line with national expectations. There is a danger that developers and investors will simply choose to invest elsewhere if policy goes too fast and too soon. It is unclear how the plan addresses these risks to ensure policies are deliverable.

It is recommended that targets are firstly shown to be fully viable and deliverable in the form of the plan wide study with appropriate costings transparently applied. Secondly, the targets should be flexibly applied with reference taken to building regulation updates at the appropriate times in line with national policy movement on each matter.

The Council should re-consider the Policies CC1 - CC9 to ensure requirements are not going beyond government targets in line with the ministerial statement UIN HCWS123.

Exemptions must be allowed where viability is an issue.

It is recommended that the council reconsider the drafting of these policies given the cost impact and uncertainty

surrounding timings. This is likely to create significant uncertainty for investors in house building given that the policies as drafted are unclear.

Requested to attend examination?: Yes

Ref: C-15-05-CC5

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC5: Future development standards (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As above in relation to draft Policy CC1, the Government has been clear that these are matters to be addressed through Building Regulations, and not through local planning policy. Therefore this draft Policy is not consistent with national policy and there is no adequate justification for why it is needed as a “local back-up”.

Modifications: On the basis of the comments above, no alternative wording is proposed. Instead these representations encourage the Council to reconsider this draft Policy.

Requested to attend examination?: Yes

Ref: C-25-05-CC5

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC5: Future development standards (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As above in relation to draft Policy CC1, the Government has been clear that these are matters to be addressed through Building Regulations, and not through local planning policy. Therefore this draft Policy is not consistent with national policy and there is no adequate justification for why it is needed as a “local back-up”.

Modifications: On the basis of the comments above, this draft Policy should be deleted in full for soundness.

Requested to attend examination?: Yes

Ref: C-33-05-CC5

Representor: Strongvox Homes

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC5: Future development standards (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Draft Policy CC5 requires that from 2025 residential development will achieve a 75% carbon dioxide emissions reduction from that required under the 2013 Building Regulations. This requirement aligns with the Government's intention to introduce the mandatory Future Homes and Building Standards in 2025. Whilst we support the objectives of the policy, we recommend that the policy requirement only becomes mandatory once it has been implemented by the Government to ensure that the policy is both justified and effective. This would assist developers in adapting to the new requirements in line with the Government's timetable.

Modifications: [...] Whilst we support the objectives of the policy, we recommend that the policy requirement only becomes mandatory once it has been implemented by the Government to ensure that the policy is both justified and effective. [...]

Requested to attend examination?: Yes

Ref: C-36-05-CC5

Representor: Taylor Wimpey

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC5: Future development standards (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The policy is unsound as it is unjustified, ineffective and contrary to national policy.

The policy identifies that from 2025 residential development will be required to achieve a 75% carbon dioxide emissions reduction from that required under the 2013 Building Regulations. This clearly creates a timing issue as the commencement date has already passed and the plan is not yet adopted. The implication is that, if found sound, there would not be any transitional period for schemes to ensure compliance.

Whilst our client agrees with the need and desire to improve energy efficiency and carbon use it remains unclear why this should be done outside of the Building Regulations. There is no clear rationale for making Exeter a 'special case'.

Our client acknowledges that Section 19 (1A) of the Planning and Compulsory Purchase Act 2004 outlines that development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change.

Similarly, the NPPF identifies plans should take a proactive approach to mitigating and adapting to climate change. However, the PPG (ID 6-012-20190315) refers to the Planning and Energy Act 2008, the Deregulation Act 2015, and the Written Ministerial Statement (March 2015) and states that policies in relation to energy performance standards should not be used to set conditions on planning permissions with requirements above the equivalent of the energy requirement of Level 4 of the Code for Sustainable Homes.

Part L of Building Regulations, as updated in 2021, identifies a requirement to achieve a 30% reduction in carbon emissions for new dwellings (compared with the 2013 regulations). The current Building Regulations, which took effect on 15 June 2022, therefore exceed Level 4 of the Code for Sustainable Homes. This means that the policy would directly conflict with both the PPG and the 2015 Ministerial Statement.

Self-evidently the stepped change to Zero Carbon under the programmed future Building Regulations changes gives developers certainty and allows the industry to develop solutions collaboratively across the industry. Following this standard allows the industry to benefit from the cost efficiencies and certainty associated with the delivery of mass-produced proprietary products, which will better address viability and delivery of development to meet the Council's planned housing trajectory.

As the supporting text to the policy at paragraph 5.24 of the draft plan acknowledges, this policy duplicates the future Building Regulations standards under the 2025 'Future Homes Standard' (FHS) on the pretence of a 'local backup'. The standard proposed by this policy will therefore be duplicated under the FHS, rendering the policy requirement redundant and obligating applicants to provide information at application stage that will be secured at building regulations stage, unnecessarily front-loading costs of the development process. The drafted policy is accordingly contrary to the provisions of the NPPF under Paragraph 16 which states that plans should "serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area".

Whilst the final details of the standard nor the timeline are, at the time of writing, yet to be announced by Government there remains a clear commitment to the Future Homes Standard. It is understood, based upon statements from ministers, that the current Government is content with the scope of the Future Homes Standard proposals but they want ensure that the standard remains compatible with their wider housing objectives.

In addition, within a Written Ministerial Statement made under the previous Government by then Housing Minister Lee Rowley on 13th December 2023 (HLWS120), the Government's expectations in relation to policy were made explicit following uplifts in the building regulations, stating (our emphasis):

"The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Government's commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:

- That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.
- The additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER) calculated using a specified version of the Standard Assessment Procedure (SAP)."

The policy makes no explicit allowance for viability and whilst the Council's LPVA 2024 does consider this policy its introduction is not well reasoned and as such it remains unjustified and contrary to the above WMS.

Modifications: It is recommended that this policy is deleted, and the Council utilise the Building Regulations to provide appropriate reductions in carbon, without prejudicing delivery.

Requested to attend examination?: -

Ref: C-38-05-CC5

Representor: The Guinness Partnership Ltd

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC5: Future development standards (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: This policy seeks a 78% carbon dioxide emissions reduction from that required under the 2013 Building Regulations and is not supported for three reasons.

Firstly, the carbon reduction requirements of the 2023 Building Regulations are significantly improved beyond the now out of date 2013 versions. We note that the Council has ceased reference to the 2013 Regulations in planning conditions referring to carbon reduction and now refers to the 2023 Regulations. It seems nonsensical to reference the 2013 Building Regulations in this context.

Secondly, the Future Homes Standard will apply in 2025, with the stated aim of ensuring that new build houses are future-proofed with low carbon heating and “world-leading levels of energy efficiency” by embracing smart and low carbon technologies.

Thirdly, NPPF paragraph 159 b) states that “any local requirements for the sustainability of buildings should reflect the Government’s policy for national technical standards”, i.e. they should not exceed the Building Regulation or other requirements.

Given these three reasons, reference to the 2013 Building Regulations is therefore out of date.

Modifications: -

Requested to attend examination?: -

Ref: C-40-05-CC5

Representor: TT Group

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC5: Future development standards (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As above in relation to draft Policy CC1, the Government has been clear that these are matters to be addressed through Building Regulations, and not through local planning policy. Therefore this draft Policy is not consistent with national policy and there is no adequate justification for why it is needed as a “local back-up”.

Modifications: On the basis of the comments above, this draft Policy should be deleted in full for soundness.

Requested to attend examination?: -

Ref: C-42-05-CC5

Representor: Vistry Group

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC5: Future development standards (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: 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 the focus within the Publication Draft on ambitious policies seeking Net Zero by 2030 and the impact this has on the viability of development. Our clients suggest this needs to be balanced by the urgency to address fundamental need for housing in Exeter. The risk therefore needs to be fully understood as to how the proposed 'Climate Change' policies within the Plan could negatively impact the ability to deliver development around Exeter.

Proposed Policy CC5 introduces a significant change in position regarding carbon dioxide emissions for buildings. It requires all new residential development to achieve a minimum of 75% emission reduction from that required under 2013 building regulations. The inclusion of this policy is justified in paragraph 5.24 on the basis that the forthcoming Future Homes Standard and Future Building Standard will require this level of uplift.

However, this is not yet confirmed and it is clear from the evidence base that the policy approach relies on the consultation draft of the Future Homes Standard and the approach is therefore not justified on a firm or final position. Furthermore, it is contrary to the Government's stated intention (see Written Ministerial Statement (WMS) by Baroness Penn dated 13th December 2023) that the planning system should not set local energy efficiency standards for buildings that go beyond current or planned buildings regulations.

The circumstances where the WMS suggests this approach might be acceptable is where it is demonstrated that development remains viable and continues to support housing supply. It is not clear how this is demonstrated through the proposed policy approach. In any case we would suggest the policy is unnecessary as it duplicates forthcoming Building Regulation changes.

Modifications: Policy CC5 should be deleted from the Plan.

Requested to attend examination?: Yes

Ref: C-43-05-CC5

Representor: Waddeton Park Limited

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC5: Future development standards (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: 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 have previously raised concerns regarding the emerging plan's focus on ambitious policies seeking Net Zero by 2030 and the impact this has on the viability of development. This challenging ambition needs to be grounded by the imperative to tackle fundamental need for housing in Exeter. We remain concerned that the Publication Draft plan includes a number of 'Climate Change' policies which, in some instances, may negatively impact the ability to deliver development around Exeter.

Proposed Policy CC5 introduces a significant change in position regarding carbon dioxide emissions for buildings. It requires all new residential development to achieve a minimum of 75% emission reduction from that required under 2013 building regulations. The inclusion of this policy is justified in paragraph 5.24 on the basis that the forthcoming Future Homes Standard and Future Building Standard will require this level of uplift. However, this is not yet confirmed and it is clear from the evidence base that the policy approach relies on the consultation draft of the Future Homes Standard.

We are not aware of any subsequent updates on the FHS that clarifies the government's details around reductions in carbon emissions. Therefore, the 75% reduction goes beyond current or planned building regulations, in being contrary to the Written Ministerial Statement of 13 December 2023 (ref. UIN HLWS120) by Baroness Penn, which states: "The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Government's commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations.

The WMS goes on further to state that: "Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:

- That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.
- The additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER)

calculated using a specified version of the Standard Assessment Procedure (SAP).”

It is not clear from the evidence base how the policy approach of CC5 can be justified in this context. We would suggest the policy is in any case unnecessary as it duplicates forthcoming Building Regulation changes.

Policy CC9 (Water Quantity and Quality) appears to be an attempt to discharge South West Water’s statutory duty for maintaining water quality and placing responsibility on to the development industry through what appears to be a quasi-nutrient neutrality policy. This is not reasonable or necessary.

Modifications: Policies CC5 and CC9 should be deleted from the Plan

Requested to attend examination?: Yes

Ref: D-07-05-CC5

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC5: Future development standards (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: CC5: Future development standards (Strategic Policy)

Policy CC5 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

This policy states that from 2025 residential development will be required, as a minimum, to achieve a 75% carbon dioxide emissions reduction from that required under the 2013 Building Regulations.

The HBF supports the Government's intention to set standards for energy efficiency through the Building Regulations. The key to success is standardisation and the avoidance of individual Council's specifying their own policy approach to energy efficiency, which undermines economies of scale for product manufacturers, suppliers and developers. Councils do not need to set local energy efficiency standards, or reductions in carbon dioxide emissions, or a requirement for zero carbon homes, in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard.

The HBF do not believe there is any need for local plan policies to provide "local back-up" as suggested in paragraph 5.24 of the Plan. Again, the HBF would caution against policies that seek to go further and faster than national legislation and policy changes, which would lead to the creation of a patchwork of differing local policies which could inadvertently undermine the delivery of the wider environmental objectives the Council is seeking and create unnecessary delays to much needed new housing.

Modifications: The HBF supports the Government's intention to set standards for energy efficiency through the Building Regulations. [...] Councils do not need to set local energy efficiency standards, or reductions in carbon dioxide emissions, or a requirement for zero carbon homes, in a Local Plan policy because of the higher levels of energy efficiency standards for new homes set out in the 2021 Part L Interim Uplift and proposals for the 2025 Future Homes Standard.

The HBF do not believe there is any need for local plan policies to provide "local back-up" as suggested in paragraph 5.24 of the Plan. Again, the HBF would caution against policies that seek to go further and faster than national legislation and policy changes, which would lead to the creation of a patchwork of differing local policies which could inadvertently undermine the delivery of the wider environmental objectives the Council is seeking and create unnecessary delays to much needed new housing.

Requested to attend examination?: Yes

Ref: F-02-05-CC5

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC5: Future development standards (Strategic policy)

Paragraph: 5.23 and 5.24

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: [bold] Unsound: not consistent with National Policy. [bold]

Para 5.23 talks about new-build homes and non-domestic buildings, and does not make clear that parts of the forthcoming Future Homes and Buildings Standard will also apply to existing buildings (domestic or for conversion to domestic). This will make the Standard relevant for planning applications about domestic extensions, conversions, refurbishments and retro-fits, all of which could contribute to tackling climate change.

[Embedded link: <https://www.gov.uk/government/consultations/the-future-homes-and-buildings-standards-2023-consultation/the-future-homes-and-buildings-standards-2023-consultation#updated-guidance-and-minimum-standards>]

The potential contribution of planning applications for small scale projects and changes to existing buildings is given weight in NPPF (Dec 2023) paras 163a and 164: this will need to be taken into account when dealing with planning applications.

Modifications: [bold] Amend wording in para 5.23 and 5.24 [bold] to refer to Future Homes and Buildings Standard (FHBS), to comply with forthcoming Government publication.

[bold] Amend wording of para 5.23 [bold] to refer to the fact that existing buildings will be covered by relevant parts of the FHBS, to comply with forthcoming FHBS and to reflect NPPF (Dec 2023) paras 163a and 164.

Suggested wording: insert the following after the end of the second sentence (...fit for the future.) [italic] "Changes to existing buildings, for instance residential conversions, extensions, and refurbishment, and conversion of existing buildings to other uses, will also be subject to improved standards." [italic]

Requested to attend examination?: Yes

Ref: C-08-05-CC6

Representor: Churchill Living and McCarthy Stone

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC6: Embodied carbon

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The draft policy (CC1) seeks the following:

[italic] The City Council has an ambition for the city to be net zero by 2030. Development proposals will be required to demonstrate how they will support the achievement of net zero through each of the following: a. Considering location, urban form, density and place-specific solutions; b. Minimising the need to travel and maximising walking, wheeling, cycling and public transport; c. Applying a fabric first approach to maximise energy efficiency; d. Maximising renewable and low carbon energy generation; e. Minimising operational and embodied carbon emissions; f. Applying the principles of the circular economy; g. Utilising SuDS and other nature-based solutions to deliver flood risk management; and h. Providing green infrastructure, biodiversity net gain and landscape-led schemes. All major development proposals will be required to submit a Net Zero Statement setting out how the development will address each of the requirements of the policy. [italic]

Policies CC2-CC9 are an extension of the above strategic policy.

Whilst the Councils commitment to meeting both its and the UK Governments target of net zero carbon emissions is commendable, it appears that the Council is going to achieve this through having carbon and climate standards from adoption of the plan that may go beyond government targets.

However, it is our view that any requirement should be 'stepped' in line with Government targets and the proposed changes to the building regulations and the section amended substantially.

This approach is confirmed within the Ministerial Statement (statement no : Statement UIN HCWS123 available from [embedded link] <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123> [embedded link]) released on 13th December 2023. The ministerial statement confirms, with respect to the net zero goal that:

[italic] 'The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Governments commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-

reasoned and robustly costed rationale and "To be sound, local plans must be consistent with national policy" enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, including this one' [italic]

It is unclear how these requirements are costed and measured within the plan wide viability study and expected to be applied to development typologies which are shown to be unviable with other requirements e.g. affordable housing.

Looking specifically at housing for older people, the council has failed to demonstrate that the cumulative effects of policy would allow such proposals to viably come forward.

[italic] 'Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage' [italic] (Paragraph: 002 Reference ID: 10-002-20190509).

As drafted, the plan fails to demonstrate sufficient flexibility to ensure that proposed policies will not simply stop certain typologies coming forward. In many cases, the council is ignoring the findings of its viability study which will result in workable policies for developers.

The policy ignores the requirements of national policy and the viability PPG to test viability on a typology basis and prepare policy in view of the findings of this evidence base.

The council's evidence base is clear that the proposed infrastructure requirements in respect of zero carbon standards cannot be delivered on housing for older persons proposals together with the full range of other requirements.

Modifications: The Council should re-consider the Policies CC1 - CC9 to ensure requirements are not going beyond government targets in line with the ministerial statement UIN HCWS123.

As drafted, this range of policies are unclear as to how and when zero carbon development standards will be fully implemented. However, it is clear that the expectation is that this will be before the government's current expectation. This will place significant pressure on development in Exeter as technology and economies of scale will not exist in line with national expectations. There is a danger that developers and investors will simply choose to invest elsewhere if policy goes too fast and too soon. It is unclear how the plan addresses these risks to ensure policies are deliverable.

It is recommended that targets are firstly shown to be fully viable and deliverable in the form of the plan wide study with appropriate costings transparently applied. Secondly, the targets should be flexibly applied with reference taken to building regulation updates at the appropriate times in line with national policy movement on each matter.

The Council should re-consider the Policies CC1 - CC9 to ensure requirements are not going beyond government targets in line with the ministerial statement UIN HCWS123.

Exemptions must be allowed where viability is an issue.

It is recommended that the council reconsider the drafting of these policies given the cost impact and uncertainty

surrounding timings. This is likely to create significant uncertainty for investors in house building given that the policies as drafted are unclear.

Requested to attend examination?: Yes

Ref: C-15-05-CC6

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC6: Embodied carbon

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As confirmed above, Edenstone support the Council's ambitions for reducing carbon emissions, however, consistent with the concerns raised by the Home Builders Federation (HBF), Edenstone do not consider that this draft Policy is justified or consistent with national policy.

The HBF representations highlight that there are currently significant gaps for collecting data and measuring whole life carbon consistently and comparatively. As a result, the Future Homes Hub have prepared a roadmap for the development of an industry- led approach for reducing embodied and whole life carbon in new homes which is expected to be aligned with emerging national Government policy. This will include a Future Homes Carbon Assessment Tool.

The HBF also highlight the issues with including assessment of carbon as part of the planning process, given the highly technical nature of the process, which much more naturally aligns with Building Regulations.

Given the Government's position on setting standards at a national level, Edenstone do not believe this draft Policy aligns with national policy, nor is the need for it justified.

Modifications: [...] As such, it should be removed in full to achieve soundness.

Requested to attend examination?: Yes

Ref: C-25-05-CC6

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC6: Embodied carbon

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As confirmed above, Morgan Real Estate support the Council's ambitions for reducing carbon emissions, however, consistent with the concerns raised by the Home Builders Federation (HBF), Morgan Real Estate do not consider that this draft Policy is justified or consistent with national policy.

The HBF representations highlight that there are currently significant gaps for collecting data and measuring whole life carbon consistently and comparatively. As a result, the Future Homes Hub have prepared a roadmap for the development of an industry- led approach for reducing embodied and whole life carbon in new homes which is expected to be aligned with emerging national Government policy. This will include a Future Homes Carbon Assessment Tool.

The HBF also highlight the issues with including assessment of carbon as part of the planning process, given the highly technical nature of the process, which much more naturally aligns with Building Regulations.

Given the Government's position on setting standards at a national level, Morgan Real Estate do not believe this draft Policy aligns with national policy, nor is the need for it justified.

Modifications: As such, it should be removed in full to achieve soundness.

Requested to attend examination?: Yes

Ref: C-36-05-CC6

Representor: Taylor Wimpey

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC6: Embodied carbon

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The proposed policy identifies that major development proposals will only be permitted where:

- The impact on climate change from carbon emissions embodied in development materials is calculated using a nationally recognised carbon assessment method; and
- It is demonstrated that adequate steps have been taken in the design of the development to reduce this impact.

Similar to Policy CC5, whilst our client agrees with the need and desire to improve energy efficiency and carbon use, it remains unclear why this should be done outside of the Building Regulations. There is no clear rationale for making Exeter a 'special case'.

Modifications: It is, therefore, recommended that this policy be deleted.

Requested to attend examination?: -

Ref: C-38-05-CC6

Representor: The Guinness Partnership Ltd

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC6: Embodied carbon

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: This policy seeks to ensure that adequate steps have been taken in the design of developments to reduce embodied carbon emission. This requirement is supported as drafted as it acknowledges that it can be difficult to fully mitigate embodied carbon emissions on brownfield sites, especially where demolition of existing buildings is required. As the Exeter Plan Spatial Strategy relies heavily upon the use of brownfield sites, the policy requirement to reduce embodied carbon emissions [Underline] where possible [Underline] is supported.

Modifications: -

Requested to attend examination?: -

Ref: C-40-05-CC6

Representor: TT Group

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC6: Embodied carbon

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: As confirmed above, TT Group support the Council's ambitions for reducing carbon emissions, however, consistent with the concerns raised by the Home Builders Federation (HBF), TT Group do not consider that this draft Policy is justified or consistent with national policy.

The HBF representations highlight that there are currently significant gaps for collecting data and measuring whole life carbon consistently and comparatively. As a result, the Future Homes Hub have prepared a roadmap for the development of an industry- led approach for reducing embodied and whole life carbon in new homes which is expected to be aligned with emerging national Government policy. This will include a Future Homes Carbon Assessment Tool.

The HBF also highlight the issues with including assessment of carbon as part of the planning process, given the highly technical nature of the process, which much more naturally aligns with Building Regulations.

Given the Government's position on setting standards at a national level, TT Group do not believe this draft Policy aligns with national policy, nor is the need for it justified.

Modifications: As such, it should be removed in full to achieve soundness.

Requested to attend examination?: -

Ref: D-06-05-CC6

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC6: Embodied carbon

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: 1. ECS finds the wording of this policy too narrow in its opening paragraph, where the drive to reduce embodied carbon emissions seems to be limited for major development proposals only.

2. Principle 4 of the Liveable Exeter Principles (Policy S2) notes the need for whole-life carbon assessment. Yet this is only mentioned once again in CCG within the Plan. All developments should consider the whole-life carbon implications. This is particularly relevant for brownfield sites with existing buildings, which form much of the site allocations for the Plan.

Modifications: 1. ECS suggests the opening paragraph to read: 'To drive action to reduce embodied carbon emissions, all development should consider the life cycle carbon foot print of the proposal. Major development proposals will only be permitted where:'

2. Add an additional bullet point: 'c. Developments must show consideration of whole-life carbon impacts, including consideration of retention of existing structures and, where appropriate, whole-life carbon assessments to support the proposals.'

Requested to attend examination?: No

Ref: D-07-05-CC6

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC6: Embodied carbon

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: CC6: Embodied Carbon

Policy CC6 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

This policy states that major development proposals will only be permitted where the impact on climate change from carbon emissions embodied in the product and construction stages of development is calculated using a nationally recognised carbon assessment method; and it is demonstrated that adequate steps have been taken in the product and construction stages of development to reduce this impact.

Delivering Policy CC6: Embodied Carbon (Sept 2024) suggests that nationally recognised approaches to calculate embodied carbon include the use of the BS-EN 15978-1 standard, the RICS Professional Standard: Whole Life Carbon Assessment for the Built Environment or the London Plan Guidance: Whole Life-cycle Carbon Assessment as the methodology and data sources such as the Type III Environmental Product Declarations (EPDs), it goes on to set approaches for data quality, study periods, scope, software tools, units, reporting and time of assessment. It suggests that developers should provide a valid justification should they decide to take an alternative approach.

The HBF notes that in 2023 the Future Homes Hub[8] published the Embodied and Whole Life Carbon Implementation Plan[9] for the Homebuilding Industry. This highlights the work that the home building industry has done to reduce operational carbon emissions through the buildings regulations in 2021 and the expected Future Homes Standard. It identifies that the next area of focus is the embodied emissions arising in the products, construction and maintenance of homes. However, it also concludes that there are currently important gaps in the framework for collecting data and measuring WLC consistently. Since this report the Future Homes Hub have prepared a roadmap[10] for the development of an industry-led approach for reducing embodied and whole life carbon in new homes which is expected to be aligned with emerging government policy. This approach will include a Future Homes Carbon Assessment Tool, the intention is to keep this simple tool under review during 2025.

The HBF is concerned that the planning process is not the right framework for the assessment of embodied carbon, this is a highly technical process, which would be much better suited to consideration within the Building Regulations in a similar format to the currently proposed for operational carbon. The HBF is also concerned that there are currently still gaps in the data that is available to monitor the embodied carbon, and that until greater testing is undertaken it may not be the most reliable of evidence. The HBF is also concerned that as this data

improves the manufacturing sector will continue to update their EPDs, which could lead to changes in the evidence as a development is going through the planning process. The HBF is also concerned that the Delivering CC6 Report may potentially restrict the approaches that the industry can use, and they may not align with for example the approaches set out by the Future Homes Hub.

The Delivering CC6 report then goes on to focus on the embodied carbon reduction strategy, highlighting a hierarchy provided by LETI which looks for developments to; firstly build less; build light; build wise; build low carbon; build for the future; and finally, build collaboratively.

The HBF considers that the Council may want to consider how flexibly they apply this policy for example the Future Homes Hub[11] Embodied and Whole Life Carbon Implementation Plan[12] for the Homebuilding Industry highlights that whilst heat pumps increase embodied carbon, overall, they substantially reduce whole life carbon. Therefore, reducing embodied carbon by removing the heat pumps, would not actually be the most sound or sustainable approach. The HBF is concerned that the Council may not have the expertise and skills to be able to make these very technical decisions which will require the Council to consider multiple levels of information and evidence and make a qualified decision around which evidence should be given more weight and how they should be balanced. The HBF is also concerned about the impacts that this policy could have on the viability and deliverability of development.

The HBF continues to consider that this policy is not required and should be deleted. However, if the policy is retained, the HBF considers that the Council should ensure that significant flexibility is included within the policy to ensure that it reflects the uncertainty in data at the current time, the variety of approaches that are available and the need for balance between this policy and others, to ensure that the development is the most appropriate, not just the one with the least embodied carbon.

[8] In September 2020, the Future Homes Task Force was set up to develop a long-term delivery plan for the sector in line with the Government's legally binding net zero and wider environmental targets. The Task force includes the HBF, OFWAT, Imperial College, the RTPI, UK Green Building Council, OFGEM, Environment Agency, Homes England, Water UK, Energy UK, RSPB, Green Finance Institute, NHBC and others.

[9] Embodied and Whole Life Carbon Implementation Plan for the Homebuilding Industry <https://irp.cdn-website.com/bdbb2d99/files/uploaded/Embodied%20and%20Whole%20Life%20Carbon%20Implementation%20Plan%20-%20final.pdf>

[10] <https://www.futurehomes.org.uk/embodied-and-whole-life-carbon>

[11] In September 2020, the Future Homes Task Force was set up to develop a long-term delivery plan for the sector in line with the Government's legally binding net zero and wider environmental targets. The Task force includes the HBF, OFWAT, Imperial College, the RTPI, UK Green Building Council, OFGEM, Environment Agency, Homes England, Water UK, Energy UK, RSPB, Green Finance Institute, NHBC and others.

[12] Embodied and Whole Life Carbon Implementation Plan for the Homebuilding Industry <https://irp.cdn-website.com/bdbb2d99/files/uploaded/Embodied%20and%20Whole%20Life%20Carbon%20Implementation%20Plan%20-%20final.pdf>

Modifications: The HBF is concerned that the planning process is not the right framework for the assessment of embodied carbon, this is a highly technical process, which would be much better suited to consideration within the Building Regulations in a similar format to the currently proposed for operational carbon.

[...] The HBF continues to consider that this policy is not required and should be deleted. However, if the policy is retained, the HBF considers that the Council should ensure that significant flexibility is included within the policy to ensure that it reflects the uncertainty in data at the current time, the variety of approaches that are available and

the need for balance between this policy and others, to ensure that the development is the most appropriate, not just the one with the least embodied carbon.

Requested to attend examination?: Yes

Ref: B-02-05-CC7

Representor: Environment Agency

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC7: Development that is adaptive and resilient to climate change

Paragraph: 5.32 bullet 2

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Para 5.32 bullet 2: Developments with large artificial and impermeable surfaces are discouraged – suggest 'large' removed and artificial and impermeable surfaces are discouraged in general to aid with Combined sewer issues etc.

Modifications: 5.32 bullet 2: Developments with large artificial and impermeable surfaces are discouraged – suggest 'large' removed and artificial and impermeable surfaces are discouraged in general to aid with Combined sewer issues etc.

Requested to attend examination?: -

Ref: C-08-05-CC7

Representor: Churchill Living and McCarthy Stone

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC7: Development that is adaptive and resilient to climate change

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The draft policy (CC1) seeks the following:

[italic] The City Council has an ambition for the city to be net zero by 2030. Development proposals will be required to demonstrate how they will support the achievement of net zero through each of the following: a. Considering location, urban form, density and place-specific solutions; b. Minimising the need to travel and maximising walking, wheeling, cycling and public transport; c. Applying a fabric first approach to maximise energy efficiency; d. Maximising renewable and low carbon energy generation; e. Minimising operational and embodied carbon emissions; f. Applying the principles of the circular economy; g. Utilising SuDS and other nature-based solutions to deliver flood risk management; and h. Providing green infrastructure, biodiversity net gain and landscape-led schemes. All major development proposals will be required to submit a Net Zero Statement setting out how the development will address each of the requirements of the policy. [italic]

Policies CC2-CC9 are an extension of the above strategic policy.

Whilst the Councils commitment to meeting both its and the UK Governments target of net zero carbon emissions is commendable, it appears that the Council is going to achieve this through having carbon and climate standards from adoption of the plan that may go beyond government targets.

However, it is our view that any requirement should be 'stepped' in line with Government targets and the proposed changes to the building regulations and the section amended substantially.

This approach is confirmed within the Ministerial Statement (statement no : Statement UIN HCWS123 available from [embedded link] <https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123> [embedded link]) released on 13th December 2023. The ministerial statement confirms, with respect to the net zero goal that:

[italic] 'The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Governments commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-

reasoned and robustly costed rationale and "To be sound, local plans must be consistent with national policy" enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, including this one' [italic]

It is unclear how these requirements are costed and measured within the plan wide viability study and expected to be applied to development typologies which are shown to be unviable with other requirements e.g. affordable housing.

Looking specifically at housing for older people, the council has failed to demonstrate that the cumulative effects of policy would allow such proposals to viably come forward.

[italic] 'Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage' [italic] (Paragraph: 002 Reference ID: 10-002-20190509).

As drafted, the plan fails to demonstrate sufficient flexibility to ensure that proposed policies will not simply stop certain typologies coming forward. In many cases, the council is ignoring the findings of its viability study which will result in workable policies for developers.

The policy ignores the requirements of national policy and the viability PPG to test viability on a typology basis and prepare policy in view of the findings of this evidence base.

The council's evidence base is clear that the proposed infrastructure requirements in respect of zero carbon standards cannot be delivered on housing for older persons proposals together with the full range of other requirements.

Modifications: The Council should re-consider the Policies CC1 - CC9 to ensure requirements are not going beyond government targets in line with the ministerial statement UIN HCWS123.

As drafted, this range of policies are unclear as to how and when zero carbon development standards will be fully implemented. However, it is clear that the expectation is that this will be before the government's current expectation. This will place significant pressure on development in Exeter as technology and economies of scale will not exist in line with national expectations. There is a danger that developers and investors will simply choose to invest elsewhere if policy goes too fast and too soon. It is unclear how the plan addresses these risks to ensure policies are deliverable.

It is recommended that targets are firstly shown to be fully viable and deliverable in the form of the plan wide study with appropriate costings transparently applied. Secondly, the targets should be flexibly applied with reference taken to building regulation updates at the appropriate times in line with national policy movement on each matter.

The Council should re-consider the Policies CC1 - CC9 to ensure requirements are not going beyond government targets in line with the ministerial statement UIN HCWS123.

Exemptions must be allowed where viability is an issue.

It is recommended that the council reconsider the drafting of these policies given the cost impact and uncertainty

surrounding timings. This is likely to create significant uncertainty for investors in house building given that the policies as drafted are unclear.

Requested to attend examination?: Yes

Ref: C-15-05-CC7

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC7: Development that is adaptive and resilient to climate change

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As noted in relation to some of the other policies of this Plan, Edenstone support the general principle of what this policy is seeking to achieve, however, it is far too unspecific to function effectively as a development management tool.

Modifications: This draft Policy should be removed in full to ensure soundness.

Requested to attend examination?: Yes

Ref: C-25-05-CC7

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC7: Development that is adaptive and resilient to climate change

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As noted in relation to some of the other policies of this Plan, Morgan Real Estate support the general principle of what this policy is seeking to achieve, however, it is far too unspecific to function effectively as a development management tool.

Modifications: This draft Policy should be removed in full to ensure soundness.

Requested to attend examination?: Yes

Ref: C-40-05-CC7

Representor: TT Group

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC7: Development that is adaptive and resilient to climate change

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As noted in relation to some of the other policies of this Plan, TT Group support the general principle of what this policy is seeking to achieve, however, it is far too unspecific to function effectively as a development management tool.

Modifications: This draft Policy should be removed in full to ensure soundness.

Requested to attend examination?: -

Ref: D-07-05-CC7

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC7: Development that is adaptive and resilient to climate change

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: CC7: Development that is adaptive and resilience to climate change

Policy CC7 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

This policy requires development proposals to demonstrate how they will adapt to a changing climate and remain resilient over their lifetime by: reducing overheating in building; reducing flood risk and aiding recovery from flooding; integrating biodiversity into the built environment; adapting to reduced water availability; and retrofitting renewable energy technologies.

The HBF considers that this policy is unnecessary, as its content is covered elsewhere in the Plan, is covered by Building Regulations or is covered by legislation. The HBF considers that this is contrary to the NPPF which looks for policies to serve a clear purpose and avoid unnecessary duplication. The HBF considers that this policy is deleted.

The HBF recognises that the risk of hotter weather in the summer means that new development will need to take into account over heating through building form and orientation of new development. However, this part of the policy is unnecessary as Part O of the building regulations already outlines how new buildings should respond to the issue of overheating by limiting solar gains and ensuring appropriate ventilation. Again whilst the HBF understands the ambition to reduce flood risk, the following policy, Policy CC8: Flood Risk, seeks to address that exact issue. Whilst the integration of biodiversity is now a legal requirement for housing development, as set out in the Environment Act, with Council's approach set out in more detail in Policy NE3.

Modifications: The HBF considers that this policy is unnecessary, as its content is covered elsewhere in the Plan, is covered by Building Regulations or is covered by legislation. The HBF considers that this is contrary to the NPPF which looks for policies to serve a clear purpose and avoid unnecessary duplication. The HBF considers that this policy is deleted.

Requested to attend examination?: Yes

Ref: D-09-05-CC7

Representor: RSPB

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC7: Development that is adaptive and resilient to climate change

Paragraph: 5.32

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The RSPB supports the requirement to maximise provision for urban biodiversity ([*Italic*] “[**bold**] Integrating biodiversity into the built environment: [**bold**] Developments should be designed to reduce the impact of urbanisation on biodiversity by creating space for wildlife in the built environment. The term ‘wildlife’ includes all living organisms, ranging from plants to birds, mammals to lichens, fungi and invertebrates. Proposals must increase the abundance and diversity of wildlife.”) [*italic*]

However, we are concerned that reference solely to [*italic*] “The Residential Design Guide Supplementary Planning Document provides helpful guidance, including in relation to bat and bird box provision; ” [*italic*] is not sufficient, given its age.

RSPB is concerned that the Residential Design Guidance SPD is now out of date and does not provide the best current information re urban wildlife provision. Therefore the RSPB recommends that the SPD is revised so that it accords with the latest guidance referenced below, and that the current reference to the Residential Design Guidance SPD is amended to “and more recent guidance including BS 42021:2022 and the Future Homes Hub’s Homes for Nature Guidance Document (current edition October 2024).

In the RSPB view, that the Exeter Plan contains reference to a guidance document that is now out of date means Exeter City Council’s planning policy here and related decisions risk not providing net gains for biodiversity as required by the National Planning Policy Framework (chapter 15) in relation to incorporation of features [*italic*] “which support priority or threatened species such as swifts, bats and hedgehogs”. [*italic*] The RSPB considers it reasonable to amend the reference to the SPD to specifically also refer to more up to date guidance.

Modifications: While RSPB understands that the Biodiversity Requirements of Exeter’s Residential Design Guide SPD adopted in October 2010 will still apply to all new Planning Applications in the city, the Guide is now nearly 15 years old and the criteria of best practice have moved on. They are now included in the NHBC’s [*Embedded link: <https://www.nhbc.co.uk/binaries/content/assets/nhbc/foundation/biodiversity-in-new-housing-developments.pdf>*] (2021), the [**bold**] British Standards Agency’s new [**bold**] Standard for integral nest boxes BS 42021:2022 published on 30/03/22) and more recently the Future Homes Hub- [*Embedded link: <https://www.futurehomes.org.uk/#Members>*] (with details of proposed biodiversity enhancements by a significant number of National Housebuilders who have committed to include them in all their new developments starting in September 2024).

[*italic*] [**bold**] BS42021:2022 - Para 8.4.2 Larger buildings [**bold**] - Integral nest boxes — Selection and installation

for new developments — Specification

Larger buildings occur in many types and sizes and serve a number of purposes and uses. These include: commercial offices, residential apartments, commercial offices, libraries, educational buildings, nursing/ care homes and hotels and student accommodation, etc. The type and purpose of building could determine how many integral nest boxes are either appropriate or can be installed. The number of installed integral nest boxes in larger buildings depends upon the building construction. Glass-clad buildings might have no opportunities because of the material and the danger it presents to the birds. Some modern claddings could restrict opportunities. [bold] The number of integral nest boxes to be installed shall be proportionate* to the size and design of the building. [bold]

NOTE 1 There is not necessarily an upper limit to the number of boxes that can be installed.

NOTE 2 Although it is unlikely that all boxes on a site will be occupied at the same time it is very likely that all boxes will be used at some point in the lifespan of the Building."[italic]

A significant number of recent developments in the above categories completed in Exeter since 2010 have incorporated integral Bird Boxes/Bricks and we understand that the "Future Homes Hub" will include similar projects in the next edition of their "Guide" for their members to follow, see Homes for Nature Guidance document on Homes for Nature [Embedded link: <https://www.futurehomes.org.uk/homes-for-nature>] these meet current criteria of good practice and would comply with the ECC's Biodiversity Design Guide,

With reference to integral nest boxes, we recommend using the "universal variety", see [Embedded link: https://www.swift-conservation.org/universal_swift_nest_brick02.pdf] designed for swifts but used by most bird species that nest/roost in buildings.

[underline] We recommend that the all the relevant criteria for future developments in the City are included in the new "Plan". [underline]

Requested to attend examination?: No

Ref: F-02-05-CC7

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC7: Development that is adaptive and resilient to climate change

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: [bold] Soundness: consistency with national policy. [bold]

NPPF (Dec 2023) requires Local Plans and the determination of planning applications to be proactive in providing resilience and adaptation in the face of climate change (paras 157, 158, 159) . Policy CC7 is welcome in tackling this requirement, but appears to be incomplete in its focus on relevant issues, which are in fact specified earlier in the draft Plan, at Policy CC1h. That Policy (CC1) deals with emissions reduction, and rightly recognises that the provision of green infrastructure and improvements in biodiversity can aid emissions reduction by providing and improving carbon sinks. However, these issues can also have a considerable role in aiding adaptation and resilience, and as such should also have prominence in Policy CC7, above and beyond the sole requirement for '[italic] ... integrating biodiversity into the built environment...' [italic] (which does not adequately cater for improving biodiversity in both the built and the natural environment).

As set out in our representation on Policy CC1, there also needs to be clarity over what is meant by '...landscape-led schemes...' in order to determine whether they are relevant for CC1 and, or, CC7.

Policy CC7 also currently includes a requirement to retrofit renewable energy technologies. While this is consistent with national policy, Policy CC7 does not seem to be the appropriate place for it. It does not seem to relate directly to national policy on adaptation and resilience, and would be better placed in a part of the Plan that relates to national policy on mitigating climate change - reducing emissions - unless the relevance to adaptation and resilience is explained (perhaps in relation to energy security? Or providing for air conditioning in the face of increasing temperatures?) Policy CC1, which deals with mitigating climate change through emissions reduction, does in fact include a requirement relating to renewable and low carbon energy generation: it could be made clear at that point that the requirement relates to retrofitting existing buildings as well as to provision in new build.

The coverage of Policies CC7 and CC1 is therefore confusing, as each contains elements that would seem more applicable to the other: it is possible that this confusion could affect Policy delivery, so it would make sense for there to be a re-working of the content and wording of each.

Modifications: Modification to improve consistency and deliverability:

- add the following requirement: x providing green infrastructure
- amend requirement c to read ...improving biodiversity and integrating it into the built environment.

- Add wording to explain the role of renewable and low carbon energy generation in providing adaptation and resilience; or if there is no role, ensure this issue is covered within a more appropriate Policy topic.
- Include discussion, explanation and a requirement relating to ‘...landscape-led schemes...’ (See Policy CC1), if these are relevant for achieving Policy CC7.

Requested to attend examination?: No

Ref: G-05-05-CC7

Representor: Elizabeth (no surname provided)

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC7: Development that is adaptive and resilient to climate change

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: No

Comments: Doesn't consider coastal change as effect of slr and deteriorating assets.

Insufficient inclusion of future flood risk and adaptation.

Modifications: Coastal change management area needs to be introduced in future unfenced tidal area to ensure future risks are not a negative legacy. There is already critical infrastructure not addressed by current flood risk assets of council.

Requested to attend examination?: No

Ref: B-02-05-CC8a

Representor: Environment Agency

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC8: Flood risk (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Support this policy and its clear, strong wording.

Modifications: -

Requested to attend examination?: -

Ref: B-02-05-CC8b

Representor: Environment Agency

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC8: Flood risk (Strategic policy)

Paragraph: 5.34

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Para 5.34: Only mentions precipitation as a consequence of CC, not the extreme nature i.e. storms or the increased sea level impacts on Exeter.

Modifications: -

Requested to attend examination?: -

Ref: B-02-05-CC8c

Representor: Environment Agency

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC8: Flood risk (Strategic policy)

Paragraph: 5.36

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Para 5.36: SuDS hierarchy welcomed including bullet 4 caveat re sewerage undertaker.

Modifications: -

Requested to attend examination?: -

Ref: B-10-05-CC8

Representor: South West Water

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC8: Flood risk (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: Yes

Comments: Pursuant to National Water Industry targets for the reduction of spills to protect our environments, a significant pressure that can impede this work is the addition of surface water flows into the Undertaker's combined sewer system. The inclusion of explicit reference to the drainage hierarchy within CC8 – referencing PPG (ref ID: 7-056-20220825) and Devon County Council guidance – is supported by SWW in supporting the sustainable and effective management of surface water from development.

Modifications: -

Requested to attend examination?: No

Ref: C-08-05-CC8

Representor: Churchill Living and McCarthy Stone

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC8: Flood risk (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The draft policy (CC1) seeks the following:

[italic] The City Council has an ambition for the city to be net zero by 2030. Development proposals will be required to demonstrate how they will support the achievement of net zero through each of the following: a. Considering location, urban form, density and place-specific solutions; b. Minimising the need to travel and maximising walking, wheeling, cycling and public transport; c. Applying a fabric first approach to maximise energy efficiency; d. Maximising renewable and low carbon energy generation; e. Minimising operational and embodied carbon emissions; f. Applying the principles of the circular economy; g. Utilising SuDS and other nature-based solutions to deliver flood risk management; and h. Providing green infrastructure, biodiversity net gain and landscape-led schemes. All major development proposals will be required to submit a Net Zero Statement setting out how the development will address each of the requirements of the policy. *[italic]*

Policies CC2-CC9 are an extension of the above strategic policy.

Whilst the Councils commitment to meeting both its and the UK Governments target of net zero carbon emissions is commendable, it appears that the Council is going to achieve this through having carbon and climate standards from adoption of the plan that may go beyond government targets.

However, it is our view that any requirement should be 'stepped' in line with Government targets and the proposed changes to the building regulations and the section amended substantially.

This approach is confirmed within the Ministerial Statement (statement no : Statement UIN HCWS123 available from [\[embedded link\] https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123](https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123) [\[embedded link\]](#)) released on 13th December 2023. The ministerial statement confirms, with respect to the net zero goal that:

[italic] 'The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Governments commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-

reasoned and robustly costed rationale and "To be sound, local plans must be consistent with national policy" enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, including this one' [italic]

It is unclear how these requirements are costed and measured within the plan wide viability study and expected to be applied to development typologies which are shown to be unviable with other requirements e.g. affordable housing.

Looking specifically at housing for older people, the council has failed to demonstrate that the cumulative effects of policy would allow such proposals to viably come forward.

[italic] 'Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage' [italic] (Paragraph: 002 Reference ID: 10-002-20190509).

As drafted, the plan fails to demonstrate sufficient flexibility to ensure that proposed policies will not simply stop certain typologies coming forward. In many cases, the council is ignoring the findings of its viability study which will result in workable policies for developers.

The policy ignores the requirements of national policy and the viability PPG to test viability on a typology basis and prepare policy in view of the findings of this evidence base.

The council's evidence base is clear that the proposed infrastructure requirements in respect of zero carbon standards cannot be delivered on housing for older persons proposals together with the full range of other requirements.

Modifications: The Council should re-consider the Policies CC1 - CC9 to ensure requirements are not going beyond government targets in line with the ministerial statement UIN HCWS123.

As drafted, this range of policies are unclear as to how and when zero carbon development standards will be fully implemented. However, it is clear that the expectation is that this will be before the government's current expectation. This will place significant pressure on development in Exeter as technology and economies of scale will not exist in line with national expectations. There is a danger that developers and investors will simply choose to invest elsewhere if policy goes too fast and too soon. It is unclear how the plan addresses these risks to ensure policies are deliverable.

It is recommended that targets are firstly shown to be fully viable and deliverable in the form of the plan wide study with appropriate costings transparently applied. Secondly, the targets should be flexibly applied with reference taken to building regulation updates at the appropriate times in line with national policy movement on each matter.

The Council should re-consider the Policies CC1 - CC9 to ensure requirements are not going beyond government targets in line with the ministerial statement UIN HCWS123.

Exemptions must be allowed where viability is an issue.

It is recommended that the council reconsider the drafting of these policies given the cost impact and uncertainty

surrounding timings. This is likely to create significant uncertainty for investors in house building given that the policies as drafted are unclear.

Requested to attend examination?: Yes

Ref: C-11-05-CC8

Representor: CR Down Farming Ltd and Stuart Partners Ltd

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC8: Flood risk (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Furthermore, a number of the draft site allocations included within the draft EP are located within designated flood zones.

Draft Policy CC8 (Flood Risk) requires all development proposals to mitigation against flood risk by adhering to the drainage hierarchy and by utilising sustainable drainage system unless there is clear evidence that this would inappropriate.

In order to deliver the sustainable regeneration of brownfield areas such as at Water Lane and Marsh Barton, flood risk will need to be mitigated through as yet uncoded flood defence schemes as well as SuDS and other nature-based solutions, and managed through design and site layout to ensure the development is appropriately flood resistant and resilient. Not only will this lead to time delay but it will further impact on scheme viability.

Modifications: -

Requested to attend examination?: Yes

Ref: C-15-05-CC8

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC8: Flood risk (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: -

Duty to Co-operate?: -

Comments: Edenstone encourage the Council to review the wording of this draft Policy in light of the publication of the latest National Planning Policy Framework (December 2024). In particular, it should be acknowledged that there is not a requirement for development to undertake the sequential test if it has already been tested at plan-making stage.

Modifications: [...] Edenstone encourage the Council to review the wording of this draft Policy in light of the publication of the latest National Planning Policy Framework (December 2024).

Supporting text should also be amended accordingly.

Requested to attend examination?: Yes

Ref: C-25-05-CC8

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC8: Flood risk (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: Morgan Real Estate encourage the Council to review the wording of this draft Policy in light of the publication of the latest National Planning Policy Framework (December 2024). In particular, it should be acknowledged that there is not a requirement for development to undertake the sequential test if it has already been tested at plan-making stage.

Supporting text should also be amended accordingly to reflect this.

Requested to attend examination?: Yes

Ref: C-40-05-CC8

Representor: TT Group

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC8: Flood risk (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: TT Group encourage the Council to review the wording of this draft Policy in light of the publication of the latest National Planning Policy Framework (December 2024). In particular, it should be acknowledged that there is not a requirement for development to undertake the sequential test if it has already been tested at plan-making stage.

Modifications: TT Group encourage the Council to review the wording of this draft Policy in light of the publication of the latest National Planning Policy Framework (December 2024). In particular, it should be acknowledged that there is not a requirement for development to undertake the sequential test if it has already been tested at plan-making stage.

Supporting text should also be amended accordingly to reflect this.

Requested to attend examination?: -

Ref: D-06-05-CC8

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC8: Flood risk (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: "In all areas at risk of flooding from any source" is too broad. This is also true of "A site-specific flood risk assessment will be required for all development proposals at risk of flooding". This is inconsistent with the NPPF (paras. 173 et seq.)

Modifications: "In areas of high flood risk [set out in para. 5.38] development proposals will only be permitted where it is demonstrated that the proposal (unless householder development or for change of use) satisfies the sequential test and, where necessary, the exception test".

"A site-specific flood risk assessment may be required for development proposals in areas of high flood risk"

Requested to attend examination?: No

Ref: F-02-05-CC8

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC8: Flood risk (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: [bold] Soundness: consistency with national policy. [bold]

Policy CC8 is another policy that is in itself welcome, but could be strengthened, to be fully consistent with NPPF (Dec 2023) especially para 167c. Again (as with CC7) there is wording in Policy CC1 that would be better placed in CC8. CC1 is about achieving net zero, yet CC1g talks about using SUDS and other nature-based solutions to deliver flood management, issues that would seem more appropriate for policies that are concerned with adapting to climate change rather than mitigating it. Policy CC8 does in fact include a requirement for SUDs, but the policy should be extended to cover other nature based solutions '*...natural flood management techniques...* ' *[italic]* in the words of NPPF.

Modifications: Modification, in order to comply with NPPF (Dec 2023) para 167c:

Include a requirement for development proposals to use nature-based solutions to deliver flood risk management unless there is clear evidence that this would be inappropriate.

Requested to attend examination?: No

Ref: G-05-05-CC8

Representor: Elizabeth (no surname provided)

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC8: Flood risk (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: It does not sufficiently address future climate change pressures to existing development and infrastructure.

There is no consideration of sea level rise impacts. Undeveloped areas at risk should be included in coastal change management area or fully funded plan to protect to acceptable standard.

There are many too complex structures to adapt to climate change and no funding to improve organisational structures and focus.

Modifications: -

Requested to attend examination?: Yes

Ref: B-02-05-CC9a

Representor: Environment Agency

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC9: Water quantity and quality

Paragraph: 5.44

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Para 5.44 water quality: We strongly support this paragraph and policy CC9.

Modifications: -

Requested to attend examination?: -

Ref: B-02-05-CC9b

Representor: Environment Agency

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC9: Water quantity and quality

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Pleased to see the water efficiency measures here and the inclusion of our recommendation regarding a reference to working with SWW and others on delivery of the DWMP and SOAP.

Modifications: -

Requested to attend examination?: -

Ref: B-10-05-CC9

Representor: South West Water

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC9: Water quantity and quality

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: Yes

Comments: SWW and the EA have published a joint statement on the need for development to secure increased water efficiency ([embedded link: <https://www.southwestwater.co.uk/siteassets/documents/environment/water-resources/evidence-for-increased-water-efficiency.pdf>]). The inclusion of the 110 litres per person per day maximum average consumption requirement stated within draft policy CC9 is supported by SWW and is sound based on available and provided evidence.

Modifications: -

Requested to attend examination?: No

Ref: C-08-05-CC9

Representor: Churchill Living and McCarthy Stone

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC9: Water quantity and quality

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The draft policy (CC1) seeks the following:

[italic] The City Council has an ambition for the city to be net zero by 2030. Development proposals will be required to demonstrate how they will support the achievement of net zero through each of the following: a. Considering location, urban form, density and place-specific solutions; b. Minimising the need to travel and maximising walking, wheeling, cycling and public transport; c. Applying a fabric first approach to maximise energy efficiency; d. Maximising renewable and low carbon energy generation; e. Minimising operational and embodied carbon emissions; f. Applying the principles of the circular economy; g. Utilising SuDS and other nature-based solutions to deliver flood risk management; and h. Providing green infrastructure, biodiversity net gain and landscape-led schemes. All major development proposals will be required to submit a Net Zero Statement setting out how the development will address each of the requirements of the policy. *[italic]*

Policies CC2-CC9 are an extension of the above strategic policy.

Whilst the Councils commitment to meeting both its and the UK Governments target of net zero carbon emissions is commendable, it appears that the Council is going to achieve this through having carbon and climate standards from adoption of the plan that may go beyond government targets.

However, it is our view that any requirement should be 'stepped' in line with Government targets and the proposed changes to the building regulations and the section amended substantially.

This approach is confirmed within the Ministerial Statement (statement no : Statement UIN HCWS123 available from [\[embedded link\] https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123](https://questions-statements.parliament.uk/written-statements/detail/2023-12-13/hcws123) [\[embedded link\]](#)) released on 13th December 2023. The ministerial statement confirms, with respect to the net zero goal that:

[italic] 'The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Governments commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-

reasoned and robustly costed rationale and "To be sound, local plans must be consistent with national policy" enabling the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework and other statements of national planning policy, including this one' [italic]

It is unclear how these requirements are costed and measured within the plan wide viability study and expected to be applied to development typologies which are shown to be unviable with other requirements e.g. affordable housing.

Looking specifically at housing for older people, the council has failed to demonstrate that the cumulative effects of policy would allow such proposals to viably come forward.

[italic] 'Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage' [italic] (Paragraph: 002 Reference ID: 10-002-20190509).

As drafted, the plan fails to demonstrate sufficient flexibility to ensure that proposed policies will not simply stop certain typologies coming forward. In many cases, the council is ignoring the findings of its viability study which will result in workable policies for developers.

The policy ignores the requirements of national policy and the viability PPG to test viability on a typology basis and prepare policy in view of the findings of this evidence base.

The council's evidence base is clear that the proposed infrastructure requirements in respect of zero carbon standards cannot be delivered on housing for older persons proposals together with the full range of other requirements.

Modifications: The Council should re-consider the Policies CC1 - CC9 to ensure requirements are not going beyond government targets in line with the ministerial statement UIN HCWS123.

As drafted, this range of policies are unclear as to how and when zero carbon development standards will be fully implemented. However, it is clear that the expectation is that this will be before the government's current expectation. This will place significant pressure on development in Exeter as technology and economies of scale will not exist in line with national expectations. There is a danger that developers and investors will simply choose to invest elsewhere if policy goes too fast and too soon. It is unclear how the plan addresses these risks to ensure policies are deliverable.

It is recommended that targets are firstly shown to be fully viable and deliverable in the form of the plan wide study with appropriate costings transparently applied. Secondly, the targets should be flexibly applied with reference taken to building regulation updates at the appropriate times in line with national policy movement on each matter.

The Council should re-consider the Policies CC1 - CC9 to ensure requirements are not going beyond government targets in line with the ministerial statement UIN HCWS123.

Exemptions must be allowed where viability is an issue.

It is recommended that the council reconsider the drafting of these policies given the cost impact and uncertainty

surrounding timings. This is likely to create significant uncertainty for investors in house building given that the policies as drafted are unclear.

Requested to attend examination?: Yes

Ref: C-15-05-CC9

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC9: Water quantity and quality

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Again, this draft Policy seeks to implement standards which are materially different to those already established in Building Regulations, with the former looking to implement a cap of 110 litres per person per day, compared to Building Regulations' 125.

Modifications: On the basis that this matter is already covered by Building Regulations and the emerging draft Policy is inconsistent with it, the first paragraph of this policy should be deleted for soundness. [strikethrough/red]
"All new residential development proposals must achieve, as a minimum, water efficiency that requires an estimated water use of no more than 110 litres per person per day." [strikethrough/red]

Requested to attend examination?: Yes

Ref: C-43-05-CC9

Representor: Waddeton Park Limited

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC9: Water quantity and quality

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: 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 have previously raised concerns regarding the emerging plan's focus on ambitious policies seeking Net Zero by 2030 and the impact this has on the viability of development. This challenging ambition needs to be grounded by the imperative to tackle fundamental need for housing in Exeter. We remain concerned that the Publication Draft plan includes a number of 'Climate Change' policies which, in some instances, may negatively impact the ability to deliver development around Exeter.

Proposed Policy CC5 introduces a significant change in position regarding carbon dioxide emissions for buildings. It requires all new residential development to achieve a minimum of 75% emission reduction from that required under 2013 building regulations. The inclusion of this policy is justified in paragraph 5.24 on the basis that the forthcoming Future Homes Standard and Future Building Standard will require this level of uplift. However, this is not yet confirmed and it is clear from the evidence base that the policy approach relies on the consultation draft of the Future Homes Standard.

We are not aware of any subsequent updates on the FHS that clarifies the government's details around reductions in carbon emissions. Therefore, the 75% reduction goes beyond current or planned building regulations, in being contrary to the Written Ministerial Statement of 13 December 2023 (ref. UIN HLWS120) by Baroness Penn, which states: "The improvement in standards already in force, alongside the ones which are due in 2025, demonstrates the Government's commitment to ensuring new properties have a much lower impact on the environment in the future. In this context, the Government does not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations.

The WMS goes on further to state that: "Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale that ensures:

- That development remains viable, and the impact on housing supply and affordability is considered in accordance with the National Planning Policy Framework.
- The additional requirement is expressed as a percentage uplift of a dwelling's Target Emissions Rate (TER)

calculated using a specified version of the Standard Assessment Procedure (SAP).”

It is not clear from the evidence base how the policy approach of CC5 can be justified in this context. We would suggest the policy is in any case unnecessary as it duplicates forthcoming Building Regulation changes.

Policy CC9 (Water Quantity and Quality) appears to be an attempt to discharge South West Water’s statutory duty for maintaining water quality and placing responsibility on to the development industry through what appears to be a quasi-nutrient neutrality policy. This is not reasonable or necessary.

Modifications: Policies CC5 and CC9 should be deleted from the Plan

Requested to attend examination?: Yes

Ref: D-07-05-CC9

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC9: Water quantity and quality

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: CC9: Water quantity and quality

Policy CC9 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

This policy states that all new residential development proposals must achieve, as a minimum, water efficiency that requires an estimated water use of no more than 110 litres per person per day.

The HBF notes the Evidence for Increased Water Efficiency Report published by the Environment Agency and South West Water, which states that as new Development Plans are formed or reviewed in Devon and Cornwall, water efficiency measures should be a policy requirement of development and new build dwellings must be required to comply with and demonstrate the tighter building regulations requirement of 110 litres per person per day.

This 110 litres per person per day is an optional water standard, the Building Regulations already requires all new dwellings to achieve a mandatory level of water efficiency of 125 litres per day per person, which is a higher standard than that achieved by much of the existing housing stock. This mandatory standard already represents an effective demand management measure, and the 110 litres per person per day would take this further again.

The HBF would caution against policies that seek to go further and faster than national policy changes that result in patchwork of differing local standards. The HBF considers that this patchwork of standards has the potential to create challenges to development viability and delivery and potential for unintended consequences, rather than a standardised national approach to address these important issues.

Modifications: [...] The HBF would caution against policies that seek to go further and faster than national policy changes that result in patchwork of differing local standards. The HBF considers that this patchwork of standards has the potential to create challenges to development viability and delivery and potential for unintended consequences, rather than a standardised national approach to address these important issues.

Requested to attend examination?: Yes

Ref: F-02-05-CC9

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 05 - Climate change

Policy: CC9: Water quantity and quality

Paragraph: 5.42 to 5.44

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: No

Comments: Water Framework Directive (WFD) (2017) [1] The environmental objectives of the WFD, summarised in the Environment Agency's River Basin Management Plans (RBMPs) are:

- To prevent deterioration of the status of surface waters and groundwater,
- To achieve objectives and standards for protected areas, and
- To aim to achieve good status for all water bodies or, for heavily modified water bodies and artificial water bodies, good ecological potential and good surface water chemical status.

These environmental objectives are legally binding, and all public bodies should have regard to these objectives when making decisions (such as Local Plan development) that could affect the quality of the water environment. The policies do not demonstrate how compliance with these environmental objectives in relation to chemical status will be demonstrated.

The Sustainability Appraisal [2] (P42) notes: [italic] "The Environment Agency classification for the estuary under the Water Framework Directive in 2020 is 'Moderate' for both ecological and chemical parameters. Issues preventing waters reaching 'Good' status and the contributing sectors can be summarised under growth, development and transport." [italic]

[bold] Policy CC9 and preamble paragraphs are not consistent with national planning policy NPPF para 7 (sustainable development) and 8c (environmental objectives) nor does the policy demonstrate how it will meet development needs or achieve the proactive approach asserted in para 5.39 - justified by the NPPF para 158. [italic] "mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change and water supply, biodiversity and landscapes." [italic] The Plan is deficient and so not effective as it does not set out a strategic policy for the handling of waste water in accordance with NPPF para 20b. Policy CC9 does not reflect the evidence and there is a lack of evidence to inform policies which would demonstrate how the plan meets the requirements of NPPF paras 7, 8c, 158 & 20b. [bold]

[bold] Context: [bold] Water quality, water quantity (flood/drought), climate resilience and enhancing biodiversity must be tackled strategically alongside development. Our water environment and systems are in crisis, with sewers overloaded, supply under threat in many parts of the country, many rivers over abstracted, flood risk increasing year on year from rivers and surface water, and a cocktail of pollution from housing, farming, sewage,

chemicals, and more, degrading our water ecosystems. Exe Estuary has many important riverine and estuarine habitats: SSSI, SPA & Ramsar site.

Proactive Approach: Therefore the Local Plan should take a proactive approach to protecting and enhancing water systems and managing waste water, not least because the Exe runs through the heart of Exeter and runs through nitrate vulnerable zones downstream. Policy must ensure effective measures, such as those developed by the Environment Agency [3] are embedded to avoid harm to the wider water environment and build more water resilient communities and enhance biodiversity.

a. Preamble 5.43 takes a passive approach inconsistent with earlier paragraphs (emphasis mine); uncertain policy is not effective:

"5.43 There may be potential to deliver enhancements within the Valley Parks and landscape setting areas that help return Exeter's water bodies to good ecological status under the Water Environment Regulations."

b. The preamble does not draw on proportionate evidence to inform 'looking upstream' to demonstrate how the policy can be effective and deliverable. The Environment Agency sets out measures, which can be drawn on, to deliver relevant actions [4] to help achieve environmental objectives in the River Basin Management Plan. These should work in tandem with Biodiversity Net Gain and environmental land Management schemes and strategies, and catchment management plans to maximise effective delivery for nature. There are no mechanisms in the policy to enable delivery of enhancements.

Waterways role in biodiversity: The Biodiversity Network Plan presented as part of the Plan evidence does not recognise Exeter's waterways as contributing to the biodiversity network [5]. The approach to the policy looking Valley Parks and landscape setting in general terms to "help return Exeter's water bodies to good ecological status under the Water Environment Regulations" is not effective as it does not set out a strategic approach and actively supports the Local Nature Recovery Strategy, the a catchment based approach for the Exe [6] and the River Basin Management Plan as the strategic approaches to achieve the environmental targets.

Waste Water

The PPG provides guidance on all aspects of the water environment and emphasises the need for early discussion with water and sewerage companies so that growth can be reflected in their long-term water resources management plans so that adequate infrastructure will be in place when and where it is needed. The policy is also ineffective as it omits consideration on waste water despite the need to this being mentioned in the Sustainability Assessment [7] (P44 3.32) and referenced in the preamble. Strategic policy on wastewater should consider the sufficiency and capacity of wastewater infrastructure, considering circumstances where private treatment works may be accepted and considering the capacity of the environment to receive effluent from development without preventing relevant statutory objectives being met and achievement of biodiversity standards. There are also cross-boundary issues as the water supply and water quality issues in the Exe River catchment area can only be addressed in partnership with neighbouring authorities and other stakeholders.

Monitoring

The policy and para 5.43 *"Development proposals that support the return of Exeter's water bodies to good ecological status will be supported."* will not be able to demonstrate its effectiveness as no measurable indicators or targets are included in section S17. Understanding the targets will provide a clear basis for understanding if development proposals can be supported.

East Devon District Council is producing a Water Cycle Study. Given that Exeter and East Devon are working on Local Plans and are at similar stage it is reasonable to assume that such a study would be an important part of the evidence base of the Exeter Local Plan to the Councils to work together to plan for sustainable growth. They would be able to jointly identify any constraints on planned housing growth that may be imposed by the water cycle and how these can be resolved i.e. by ensuring that appropriate Water Services Infrastructure can be provided to support the proposed development, including the planning policy required to deliver it, ensure water quality, water supply and the management of waste water. Such a joint plan Exeter and East Devon New Growth Point Water Cycle Study Outline Study Report was produced in 2010 [9]

[Footnotes]

[1] [Embedded link: <https://www.legislation.gov.uk/uksi/2017/407/regulation/13/made>]

[2] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733875391/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Habitats%20Regulations%20Assessment%20of%20the%20Exeter%20Plan%20-%20Publication%20Draft.pdf/wgrickznejufwitysqxl.pdf>]

[3] [Embedded link: <https://www.google.com/url?q=https://environment.data.gov.uk/catchment-planning/downloads/Summary%2520of%2520the%2520measures%2520planned%2520for%2520each%2520river%2520basin%2520district.xlsx&sa=D&source=docs&ust=1742907966312868&usg=AOvVaw2mlfvH7uT3yBHpkMkn10fw> (Downloadable excel file) https://www.google.com/url?q=https://environment.data.gov.uk/catchment-planning/downloads/Potential%2520additional%2520programmes%2520of%2520measures.xlsx&sa=D&source=docs&ust=1742907968376852&usg=AOvVaw0f5NS7iS6lytOok3_2OrLE]

[4] [Embedded link: <https://environment.data.gov.uk/catchment-planning/ManagementCatchment/3033/measures>]

[5] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733911946/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Biodiversity%20Linkages%20Map.pdf/zhjmwg4bdqistfvzcsi6.pdf>]

[6] [Embedded link: <https://catchmentbasedapproach.org/>]

[7] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733875412/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Sustainability%20Appraisal%20Report.pdf/flw8hjdvcy6gsgivokps.pdf>]

[9] [Embedded link: <https://exeter.gov.uk/media/1697/exeter-and-east-devon-water-study.pdf>]

Modifications: Amend policy CC9 (in bold)

[italic] "Development proposals that support the return of Exeter's water bodies to 'good' ecological [bold] and chemical [bold] status, and thereafter maintain that status, will be supported. Development proposals that harm the ecological [bold] and chemical [bold] status of any of Exeter's water bodies will not be supported." [italic]

Reason: to ensure compliance with the Water Framework Directive 2017.

[bold] Amend [bold] (additions in bold)

"5.39 Local planning authorities must adopt proactive strategies to adapt to climate change that take full account of water supply and demand considerations. Policy CC9 requires new development to contribute to reducing water demand, ~~and~~ ~~improving water quality~~ **and effective waste water management and infrastructure.**" **[bold]**

Reason: To comply with the NPPF para 20 regarding strategic policies for waste water management

Amend "Development proposals that support the return of Exeter's water bodies to 'good' ecological **[bold]** and chemical **[bold]** status, and thereafter maintain that status, will be supported. Development proposals that harm the ecological **[bold]** and chemical **[bold]** status of any of Exeter's water bodies will not be supported."

Add new

Add new 5.45 and renumber following accordingly. **[bold]** "The Council will work in partnership with neighbouring authorities, other agencies and stakeholders on cross-boundary water supply, water quality issues in the Exe River catchment area and support the delivery of a catchment management plan, River Basin Management plan and the Local Nature Recovery Strategy." **[bold]**

Add **(bold)** to strategic policy "The City Council will work closely with South West Water and all other partners to help deliver the Drainage And Wastewater Management Plan and the Storm Overflow Action plan, **[bold]** a catchment management plan, River Basin Management plan and the Local Nature Recovery Strategy." **[bold]**

Insert new section Heading and preamble before 5.44 "Waste Wate" to cover policy and strategic policy on wastewater as identified in the Sustainability appraisal and to comply with the NPPF 20 and the PPG.

Add 5.46 to improve effectiveness (i.e. address the deficiency of the policy) and enable deliverability of the Plans objectives in line with legislation and guidance:

[bold] "The sufficiency and capacity of wastewater infrastructure will be considered, including considering circumstances where private treatment works may be accepted. Development which demonstrates the capacity of the waste water infrastructure to receive and process effluent from development without preventing relevant statutory and which supports the achievement of ecological and chemical objectives and local environmental objectives being met shall be supported." **[bold]**

[bold] 5.47 The Council will work with South West Water and other agencies to identify suitable sites for new or enhanced waste water and water supply infrastructure. Development may be phased so that water and wastewater infrastructure will be in place when and where needed. The impact on designated sites of important biodiversity will be considered to ensure the required infrastructure is in place before any environmental effects occur." **[bold]**

[bold] Section 17 monitoring **[bold]**

This section should include indicators and targets in relation to CC9 monitoring of the ecological and chemical status of the water bodies within and downstream of Exeter in order to consider how development may not only be affecting but positively contributing to the achievement of good ecological status. The target for water bodies is to achieve Good Ecological Status by 2027 [8]. Without any monitoring there is now way of demonstrating that the policy and its impacts is effective.

Suggested wording:

[italic] Indicator: number of waterbodies within and downstream achieving good ecological and chemical status

Target: 100% of water bodies in Exeter achieving Good Ecological Status by 2027 and chemical status as soon as possible.

Delivery mechanism: Exeter Local Plan, collaboration with stakeholders and partnerships and developers. [italic]

[Footnotes]

[8] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733875412/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Sustainability%20Appraisal%20Report.pdf/flw8hjdvcy6gsgivokps.pdf>]

Requested to attend examination?: Yes

Ref: C-29-06-X

Representor: Nixon Homes Limited

Chapter/section of the Exeter Plan: 06 - Homes

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: Whilst we consider the plan to be legally compliant, we contend that amendment are necessary to make the plan precise and consistent.

Chapter 6: Homes is supported in terms of the overall strategy for consideration of housing need. We are supportive of the approach which includes consideration of all forms of residential development as contributing to overall housing need, including PBSA and Co-Living developments. Notwithstanding this, the basis on which the Local Plan accounts for the contribution of these forms of residential accommodation make to the housing need requires clarification. We set out more details on this below.

Modifications: -

Requested to attend examination?: Yes

Ref: D-03-06-X

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: 06 - Homes

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Reference to proximity to green space is required in the visions for homes.

We welcome the recognition of need for good quality homes.

Modifications: The plan should highlight the use of recognised accreditations, such as Building with Nature, which will be critical to ensure high quality green infrastructure and homes that are sustainable and that support the other natural residents of the city. The Design Guide section on Biodiversity in the previous Local Plan was excellent and should be updated and included in this plan.

Requested to attend examination?: -

Ref: D-05-06-X

Representor: Exeter Cathedral

Chapter/section of the Exeter Plan: 06 - Homes

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: -

Comments: [Chapters 6 & 16] Our second concern relates to the impact of tall housing development on the sightlines of the historic core of Exeter. Still today, the cathedral towers rise above the lower buildings around and can be viewed on approach road and the surrounding area. We are concerned that the new policy of encouraging high-density developments on brownfield sites, laudable in the right setting, will bring the construction of tall buildings in the walled area or immediately outside it which will cause irreparable damage the city centres historic skyline. The developments at East Gate and outside South Gate seem to us to pose a particular risk here. The cathedral has previously made representations on this point. We welcome the [italic] Views, Density and Heights Study, [italic] which has been undertaken recently, but note that this has not issued in a specific policy in this area.

Modifications: We would urge adoption of the [italic] View, Density and Heights Study, [italic] and taking into account a full Environmental Impact Assessment and modelling of the effect of new buildings on sightlines the citys historic core, including on the cathedral, before such buildings are committed to within the plan.

Requested to attend examination?: Yes

Ref: F-03-06-X

Representor: Exeter Liberal Democrats

Chapter/section of the Exeter Plan: 06 - Homes

Policy: -

Paragraph: 6.1 and 6.2

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The removal of the former H5 b relating to the need to maintain community balance. The removal of this without any formal discussion our agreement or authorisation by the LPA or allowing any form of scrutiny by members of Exeter City Council of the final draft of the proposed Local Plan.

Whilst mentioned in distinct areas of the proposed Local Plan the changing demographics of Exeter and its recent growth in population largely related to the University of Exeter i.e. PBSAs, HMOs and Co-Living the proposed Local Plan fails to address the issues relating to community imbalance in regard to settled communities within Exeter or the sustainability of the neighbourhood.

Regarding HMOs the LPA has recently updated it policies following representations from residents from parts of the city that had not previously encountered HMO applications. The main argument used to justify the application of an Article 4 Directive in both 2014 and 2024 was that of maintaining community balance based on a 20% figure leading to an imbalance within a given postal code area. It therefore seems perverse that whilst clarifying the definition of community imbalance within Article 4 references to community balance has been removed from the proposed new Local Plan. No such determination to remove the former 5Hb was discussed or agreed by the elected members of the authority.

Modifications: We would suggest that an additional point is added stating [bold] - proposals will not create an over concentration of the proposed use in any one area of the city which would change the character of the neighbourhood or create an Imbalance and Impact the sustainability of the community. [bold]

This request relates to omissions without discussion or debate hence the request at Q4 c that amended wording of the former H5b be reinserted within the Local Plan. Whilst the proposed Plan is largely linked to new developments on brown fi eld sites that are intended to support much of Exeter's future growth, the current policies at H5b relate to the city as is, its existing communities and neighbourhood and sought to provide a protective planning framework.

Requested to attend examination?: Yes

Ref: A-03-06-H01

Representor: Mid Devon District Council

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H1: Housing requirement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: We support Policy H1 which makes clear Exeter City will meet its housing requirement in full.

Modifications: -

Requested to attend examination?: No

Ref: A-05-06-H01

Representor: Torbay Council

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H1: Housing requirement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: I do need to reiterate the view that I have expressed in previous representations that Torbay is unlikely to be able to meet its Local Housing Need as laid down by the revised Standard Method published in December 2024. This is an officer level view at this stage, but founded on evidence such as the Housing and Economic Land Availability assessment and other evidence base work.

We need to assess how the revised method of basing housing need upon housing stock rather than household projections affects the assessment of need on a larger than local basis. However, the Government has clearly acknowledged the need to plan beyond individual council's boundaries. In the case of Devon the key driver of population growth is domestic migration, which is likely to be a cross-boundary or city-region wide matter. It is important that it is considered by the Housing Market Areas adjoining Torbay. Exeter is, of course, part of the Greater Exeter HMA.

The Presumption in Favour of Sustainable Development at Plan making (NPPF 11 a)-b), and the "positively prepared" test of soundness (at 36a) both require that unmet housing needs from neighbourhood areas should be accommodated where it is practical to do so and consistent with sustainable development. Paragraphs 24-28 of the Framework have expanded on the need to maintain effective cooperation with neighbours, under the Duty to Cooperate.

As far as I can see, the only reference to Torbay is at 9.2 in relation to the Devon and Torbay Local Transport Plan. Whilst this reference is welcome, it is not related to cross-boundary housing and other development need issues. This issue needs to be addressed in Section 6 and /or Policy H1 of the Local Plan or in accompanying documentation. Please can we maintain an ongoing discussion under the Duty to Cooperate on this matter, with a view to agreeing a Statement of Common Ground. In the meantime, I must ask that the above be taken as a representation made to the Plan at Regulation 19 Stage, and we reserve our right to appear at the Examination. I am sure that these issues can be resolved under ongoing discussions.

Modifications: -

Requested to attend examination?: TBC

Ref: B-04-06-H01

Representor: National Grid Electricity Distribution

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H1: Housing requirement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: Policy H1 establishes the housing requirement of 13,975 homes to be delivered over the plan period. NGED has advised Exeter City Council of the limited capacity available within the existing grid network to serve new development in Exeter. The remaining capacity has largely been reserved by committed developments. Future planned developments, including proposed allocations and sites subject to planning permission, are reliant on retention of existing infrastructure and the delivery of major new infrastructure to maintain and increase capacity within the grid.

The Infrastructure Delivery Plan identifies the critical infrastructure which must be delivered to achieve the necessary enforcements to the national grid to supply future development. The IDP anticipates delivery of the infrastructure at the end of the plan period, between 2036-2041. NGED advises that this is the best case scenario and is subject to identification of suitable locations and approval by the relevant local authorities for the necessary infrastructure.

Prior to completion of these critical works, the delivery of new housing will be severely limited by the capacity of the existing grid network.

In the absence of adequate infrastructure to support the timely delivery of new homes to meet the housing requirement, Policy H1 is ineffective and therefore unsound.

Modifications: To ensure the Local Plan is effective in delivering housing development, in accordance with Policy H1, its policies must ensure that existing grid infrastructure is safeguarded and the provision of new infrastructure including overhead lines, which will be critical to the delivery of increased power supply, are supported.

Requested to attend examination?: Yes

Ref: B-06-06-H01

Representor: National Highways

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H1: Housing requirement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The identified housing requirement is to deliver at least 12,840 new dwellings over the 20-year period 2021-2041. Strategic Policy H1 (Housing requirement) targets the delivery of 13,975 new dwellings over the same period, comprising completions and existing consents, proposed allocations and anticipated windfall provision. The targeted housing number and associated impact assessment provides flexibility over delivery and confidence that unforeseen impacts on the SRN will not occur as a result of unallocated sites coming forward.

With planning consents in place for 5,289 new dwellings, Strategic Policy H1 seeks to deliver approximately 5,369 new dwellings on site allocations.

Modifications: -

Requested to attend examination?: Yes

Ref: C-03-06-H01

Representor: Anne Codner

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H1: Housing requirement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: We note that the proposed housing requirement of 13,975 homes for the plan period (642 homes per year) is within 80% of the new local housing need set out within the standard method published alongside the NPPF in December 2024. The proposed requirement is therefore in accordance with the transitional arrangements set out in paragraph 234 of the NPPF. However, we urge the Council to plan positively now as part of this draft plan to explore opportunities to increase this towards the standard method figure of 800 homes per year.

It is very clear from paragraph 234 of the NPPF that the 80% figure is a minimum, and therefore, in our view, to plan for the absolute minimum is contrary to the Government's objective set out in paragraph 61 of the NPPF to 'significantly boost the supply of homes'.

As set out within these representations, there are available sites within the city which the Council could allocate now in order to help boost housing delivery, a principle which the NPPF emphasises.

Modifications: We therefore request that the Council considers the local housing need as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

Requested to attend examination?: Yes

Ref: C-05-06-H01

Representor: Bloor Homes Exeter and Stuart Partners Ltd

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H1: Housing requirement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: The Plan has not been positively prepared as, notwithstanding the transitional arrangements that apply to the NPPF, the plan does not seek to exceed the minimum levels of provision that are set by the Standard Method for assessing Local Housing Need, which is lower than both the updated Standard Method (that would apply absent the transitional arrangements) and the level of housing need identified within the Councils own Local Housing Need Assessment. The Plan should make provision for more ambitious levels of housing growth, given the role and function of the City of Exeter within the South West, and make a more meaningful contribution to meeting housing needs, providing affordable housing and supporting employment growth (elements which collectively contribute to addressing the housing crisis and government policy to significant increase housing supply). The plan should more positively looks to address the affordability of housing, including the delivery of affordable housing, where the strategy based on brownfield regeneration may result in relatively low levels of new provision.

In the current plan period Exeter is c.3,000 homes behind its minimum pro rata target and (within that figure) more than 1,000 affordable homes behind its intended delivery. The proposed plan does nothing, via the minimum levels of provision being sought, seek to address any historic under delivery, perpetuating issues of housing supply, affordability and associated economic growth.

The Plan should make provision for more ambitious levels of housing growth, given the role and function of the City of Exeter within the South West, and make a more meaningful contribution to meeting housing needs, providing affordable housing and supporting employment growth (elements which collectively contribute to addressing the housing crisis and government policy to significant increase housing supply).

The Plan should identify additional opportunities for housing delivery to meet more housing need within the City boundary, or where these increased needs cannot be met in full, quantify this shortfall and ensure effective co-operation with neighbouring authorities (including, but not limited to, East Devon) so that provision can be effectively planned within the wider Housing Market Area.

Modifications: The Plan should identify additional opportunities for housing delivery to meet more housing need within the City boundary, or where these increased needs cannot be met in full, quantify this shortfall and ensure effective co-operation with neighbouring authorities (including, but not limited to, East Devon) so that provision can be effectively planned within the wider Housing Market Area.

Requested to attend examination?: Yes

Ref: C-06-06-H01

Representor: Broom

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H1: Housing requirement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy H1: [bold]

Policy H1 refers to the Council's housing requirement, the preceding paragraphs indicate that H1 sets out the Council's proposed approach to meeting the housing requirement for Exeter between 2021 and 2041. The housing requirement is identified as 642 new homes per year, and the Exeter Plan indicates it will deliver a supply of 13,975 homes (allowing for a headroom of 1,135 homes). The Plan seeks to focus the majority of housing delivery on brownfield sites.

Focus on Brownfield Sites:

The focus on brownfield sites, whilst a laudable aspiration, is flawed. Recent planning decisions demonstrate that the viability of brownfield redevelopment is fragile at best. As such a plan which seeks to deliver the vast majority of the City's housing requirements on brownfield land is likely to fail at meeting the housing needs of the City.

Proposed allocation SBA1 Water Lane includes 1,861 new homes and 980 of these homes are subject to planning application reference 23/1007/OUT. The ECC Planning Committee has recently resolved to approve this application, in accordance with the Officer recommendation See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]. The recommendation concluded that the development is unviable both with and without affordable housing provision. A Financial Viability Appraisal (FVA) was included within the application submission, assessed by an independent consultant and considered to be consistent with the RICS Practice Statement and Guidance. The independent assessment of the FVA confirmed that the viability gap is substantial and that the development is unviable. The Committee Report confirms that, due to significant abnormal and additional costs in bringing this brownfield site forward, the development would not be able to provide affordable housing in addition to the infrastructure funding. The Committee Report confirmed that still, even without affordable housing provision, the development is unlikely to proceed without external subsidy or other intervention.

The conclusions of the application FVA is a stark contrast to the findings of the Viability Assessment (VA) of the Exeter Plan (para. 6.5) which found that the brownfield higher density allocations of VA1 Exeter central (which includes SBA1 Water Lane), [italic] are broadly viable as tested and able to deliver the general policy

requirements'. [italic] The VA (para.6.8) caveats that [italic] 'there is little detail available on site costs or funding mechanisms for the allocation specific policies' [italic] and that [italic] 'the approach taken within the viability assessment is to separately test the likely forms of development and tenures and consider the viability headroom available to meet any site specific cost implications'. [italic] Further, the VA assumes lower values than existing use values, i.e. the viability assumes brownfield land values not existing high value employment use values, resulting in unrealistic outcomes when determining the viability of the Exeter Plan. In light of this (and in noting the outcome of 23/1007/OUT), the accuracy and reliability of the findings of the VA with regard to brownfield allocations is highly questionable. See Viability Assessment of Viability Plan here [embedded link: https://exeter.gov.uk/media/au0dcvqt/local-plan-viability-assessment_final.pdf]

Application reference 23/1007/OUT Water Lane (South) demonstrates that brownfield sites cannot be a reliable source of housing delivery to meet Exeter's housing needs.

As set out in our previous representations, whilst brownfield redevelopment is a cornerstone of sustainable development and is an admirable aim that our client fully supports, viably delivering the vast majority of housing required in the plan period largely on brownfield land in a city, would stifle development, and worsen the documented undersupply of housing in the subregion.

Historic Housing Delivery:

The adopted Core Strategy set a housing target of at least 12,000 dwellings between 2006 and 2026, equivalent to 600 homes per annum. At the time of the publication of Exeter's Annual Monitoring Report (March 2024 See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]), this was superseded by the standard method housing figure of 642 homes per annum for 2023/24. By March 2024, 8,689 homes had been delivered, equivalent to 483 homes per annum and representing a shortfall of 2,111 homes up to 2024. The headroom figure provided within the Exeter Plan (even if achieved in full) does not account for this shortfall.

Whilst Exeter may have passed the 2023 Housing Delivery Test with a result of 110%, this does not take account of the significant and persistent shortfall which has taken place over the current plan period 2006-2026.

It is also relevant that neither Exeter nor East Devon can currently demonstrate a 5 year housing land supply. The Committee Report for application reference 23/1007/OUT Water Lane (South) Exeter identifies a housing supply (as of May 2024) of 4 years and 10 months (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Further, the minutes of the EDDC Planning Committee held on the 17th December 2024 confirm that the new standard method figure for East Devon has increased to 1,188 homes per year, reducing EDDC's housing land supply position to only 2.97 years (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]).

It is reasonable to conclude that additional land, and in particularly greenfield land, will need to be released to supplement brownfield land allocations to meet housing need, taking account of the historic shortfall that has taken place over the current plan period.

ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative areas) to assist in meeting the housing and employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues that subregion faces.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DC's Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Para. 7.6 of the Exeter Plan states that [italic] 'the partner authorities (the City Council, East Devon, Mid Devon and Teignbridge District Councils and Devon County Council) are committed to continuing to work together, in accordance with the duty to cooperate, to address any shortfall in employment land to ensure the continued economic success of the wider area'. [italic]

Our Client's land, whilst located in East Devon, is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the persistent and significant shortfall in housing land supply either by allocating additional land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-11-06-H01

Representor: CR Down Farming Ltd and Stuart Partners Ltd

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H1: Housing requirement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: Historic Under-Delivery of Market and Affordable Homes Market Homes

ECC has significantly under-delivered housing compared to the requirement set out in the adopted Core Strategy of 12,000 dwellings in the 20 years between 2006 – 2026, equating to 600 per annum.

The 2023/24 Monitoring Report indicates that 8,689 dwellings have been delivered between 2006 and 2023/24, equating to an average of 483 per annum. Even if this average is maintained for the last 2 years of the plan period (which was only achieved in 9 years out of the last 18), there would be still a deficit against the Core Strategy requirement of 2,345 dwellings. This represents persistent historic under delivery of housing.

The Monitoring Report refers to the Standard Method requirement (pre-December 2024) of 642 homes per annum. This level of delivery has only been achieved in 2 out of the last 18 years. Nonetheless, draft EP Policy H1 identifies the Standard method annual requirement for delivery between 2021 and 2041, which equates to a total requirement of 13,975 homes to be delivered on the sites identified by Policy H2. Policy H3 identifies Regeneration opportunity areas including Marsh Barton and North Gate Opportunity Areas.

Based on historic performance alone, it is considered that the housing requirement set in Policy H1 is highly unlikely to be achieved.

Affordable Homes

In terms of affordable housing, Core Strategy Policy CP7 sets a target of 35%. This equates to some 4,200 affordable homes. The 2023/24 Monitoring Report confirms that in 18 out of the last 20 years, only 2,077 affordable homes have been delivered at an average of 115 per annum. If this trajectory continues for the last two years of the plan period, there would still be a deficit of 1,893 affordable homes.

It is notable that the failure to meet the delivery requirements for market and affordable housing has occurred despite there being large greenfield allocations made by the Core Strategy.

Draft EP Policy H4 sets a target of 35% and a brownfield target of 15%. Accompanying paragraph 6.16 confirms that overall, it is envisaged that 20% of all housing delivered will be affordable.

Implications

The proposed housing allocations in the draft EP do not take account of the significant historic under delivery of market and housing in the city. While it is acknowledged that the Standard Method was intended to update the CS requirement and respond to this historic under delivery, the Draft EP cannot be a means of simply ignoring past failures and starting from a clean slate. The issue is that history tells us that the 642 homes per annum required under the Standard Method is not achievable and as such, the draft EP housing strategy will fail. This notwithstanding significant challenges associated with the over-reliance on brownfield land to meet identified needs.

Housing Land Supply

For a number of years, ECC had either a deficit or a wafer-thin surplus in terms of its housing land supply, as demonstrated by its own annual monitoring reports. Figure 1 below sets out the 5-year land supply figure for each monitoring year since 2020/21.

Year: 2023/24
5 YLS Figure: 5.05

Year: 2022/23
5 YLS Figure: 4.4

Year: 2021/22
5 YLS Figure: 4.1

Year: 2020/21
5 YLS Figure: 5.5

Figure 1 – AMR's 5 Year Land Supply Figures

Provision for Housing

The adopted Core Strategy's previous approach was to focus on large, greenfield urban extensions on the edge of the city. As these have now all been built out, ECC acknowledges that there is very limited capacity for additional development on the edges of the city to accommodate their housing needs.[1]

As noted above, Draft EP Policy H1 (Housing Requirement) sets out ECC's proposed approach to meeting the Government's housing requirement for Exeter. An extract of the policy is shown in Figure 2 below.

[screenshot image of Policy H1: Housing requirement]

The draft EP sets a figure of at least 642 new homes to be built in Exeter each year, based on the Standard Method. This equates to 12,840 homes over the twenty year plan period. Headroom has been built into the requirement to give a total requirement of 13,975 homes. The strategy focuses significantly on brownfield development to deliver the majority of homes for the city, with only a modest number of greenfield sites allocated.

This strategy is based on an over-reliance on the delivery of housing on brownfield land for the delivery of market and affordable housing to meet identified needs. The inherent complexities of delivering new market and affordable homes on brownfield land combined with viability challenges is very likely to undermine the efficacy of the draft EP's entire housing strategy. It will just repeat the mistakes of the past, even more so because of the

reliance on brownfield land.

It is our contention that there simply is not enough housing land within ECCs administrative area to meet its needs.

[Footnotes]

[1] Paragraph 4.4 of the draft Exeter Plan

Modifications: [...] The draft EP will not make sufficient provision for housing and employment to meet the City's needs within Exeter City Council's (ECC) administrative area. [...]

[...] It is our contention that there simply is not enough housing land within ECCs administrative area to meet its needs. [...]

[...] As ECC has acknowledged that there is very limited capacity for additional development on the edges of the city to accommodate their housing needs, and the draft spatial strategy which relies heavily on brownfield land is unviable, it is the case that ECC cannot show that it can meet its housing needs on land within its administrative boundary for the plan period. Therefore, such needs will need to be met on land in the jurisdiction of adjoining authorities. [...]

[...] It is strongly advised that ECC undertakes a root and branch review of its draft EP, cooperating at the outset with neighbouring authorities. East Devon District Council is very well placed to be able to accommodate a proportion of ECC's unmet housing needs. Land in the west end of East Devon already plays a vital function to Exeter by providing de facto urban extensions to the city, examples being the Tithebarn and Westclyst developments.

Work on the draft EP should be halted until this review has taken place. [...]

[...] ECC has failed to meet its duty to cooperate with neighbouring authorities for strategic cross boundary matters. It is paramount that ECC undertakes a comprehensive review to understand where its needs can be met, looking particularly at East Devon District Council's administrative area. [...]

Requested to attend examination?: Yes

Ref: C-25-06-H01

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H1: Housing requirement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: It is acknowledged that the proposed housing requirement of 13,975 homes for the plan period (642 homes per year) is within 80% of the new local housing need set out within the standard method published alongside the NPPF in December 2024. The proposed requirement is therefore in accordance with the transitional arrangements set out in paragraph 234 of the NPPF. However, Morgan Real Estate urge the Council to plan positively now as part of this draft plan to explore opportunities to increase this towards the standard method figure of 800 homes per year.

It is very clear from paragraph 234 of the NPPF that the 80% figure is a minimum, and therefore Morgan Real Estate consider that to plan for the absolute minimum is contrary to the Government's objective set out in paragraph 61 of the NPPF to 'significantly boost the supply of homes'.

Modifications: It is therefore considered that the Council considers the local housing need as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

Requested to attend examination?: Yes

Ref: C-31-06-H01

Representor: Salter Property Investments Ltd

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H1: Housing requirement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: The provisions of the plan fall well short of the latest assessment of housing need based on the revised standard method, and undershoot the requirement by 25%. The fact that local needs have increased by 25% compared with the previous assessment using the, now superseded, national standard method, is confirmation that there are substantial unmet needs which is reflected in escalating house prices and levels of affordable housing need. Planning for only 642 homes per annum will result in a shortfall equating to 3,160 homes during the plan period. This is not just a numerical figure, it constitutes homes that are needed now, and should not have to await a further period of years for the Plan to be reviewed, failing which there is a real risk that more people will be forced into unsuitable and/or overcrowded accommodation, or worse, homelessness.

The evidence base indicates that there is a need for 6,611 affordable homes during the plan period, equating to 331 households per annum, or 52% of the overall requirement for which the Plan is seeking to make provision. Even assuming that every site were to deliver a policy compliant level, the number of affordable homes that would be delivered would fall woefully short of the current need. This, in itself, provides further strong justification for not delaying meeting the currently identified scale of local housing needs, which should be an absolute minimum target that the Plan should aim to exceed.

Modifications: Amend Policy H1 to target the delivery of a minimum 800 homes per annum.

Consequential amendments to Policy H2 to allocate additional sites, with priority afforded to greenfield sites that can deliver a policy-compliant level of affordable housing to meet the substantial need.

Requested to attend examination?: Yes

Ref: C-32-06-H01

Representor: South West Housing Association Planning Consortium

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H1: Housing requirement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: At supporting paragraph 6.3, the Draft Local Plan discusses the standard method housing requirement, stating that [italic] “as of 2024 the City Council must plan for at least 642 new homes to be built in Exeter each year. This means that at least 12,840 homes are needed over the twenty years of the Exeter Plan”. [italic] Draft Policy H1 outlines that Exeter City Council will [italic] “target the delivery of at least 642 homes per year between 2021 and 2041”. [italic] The SWHAPC welcomes that this housing delivery target is set as a minimum requirement.

Encouragingly, the draft policy also states that [italic] “To meet this target and allow for choice and competition in the market, delivery of 13,975 homes is proposed”. [italic] Whilst this additional headroom of 9% exceeds the 5% minimum buffer outlined in the PPG [1], we note that this is a reduction from the previous Regulation 18 consultation figure of 14,124 dwellings, equal to a 10% buffer. The SWHAPC encourages that the overall dwelling requirement returns to 14,124 as this gives a more secure 10% headroom above the standard method requirement, and will allow further choice and competition within the housing market. This will also help to serve the Government with its target of building 1.5 million new homes over this parliament [2].

The SWHAPC supports the Council's proposal to set a housing requirement higher than the standard method dictates. Beyond the benefits already outlined, increasing the overall housing target for Exeter over the Plan period will help maximize the delivery of affordable housing as a proportion of total housing built. This approach will contribute to meeting the identified need for affordable housing. We are encouraged by the Council's commitment to boosting both market and affordable housing delivery in Exeter and fully support the ambitious housing delivery targets.

Draft Policy H1 sets a larger proportion of up-front housing delivery for years 2021/22, 2022/23 and 2023/24 of the Plan period to help immediately address the high need for affordable housing in the authority. The draft policy outlines that there was a total of 2,311 completions in the three-year period, equivalent to 770 dwellings per annum. However, these figures differ from the Government Live Table data which reports that there were 719 net housing completions in 2021/22, 463 net housing completions in 2022/23, and 614 net housing completions in 2023/24, totalling 1,796 over the three-year period and equal to 599 per annum. Given this discrepancy, the SWHAPC encourages the Council to review and, where necessary, update draft Policy H1.

The SWHAPC notes that by the time the Plan is adopted in 2026, a quarter (five years) of the 2021-2026 Plan period will have already lapsed. If the adoption date is delayed to 2027 or later, the Local Plan will not meet the NPPF paragraph 22 requirement for strategic policies to look ahead over a minimum 15 year period from

adoption. The Council should therefore consider extending the Plan period.

Footnotes

[1] Planning Practice Guidance: Paragraph: 013 Reference ID: 68-023-20241212

[2] <https://www.gov.uk/government/news/planning-overhaul-to-reach-15-million-new-homes>

Modifications: [...] Given this discrepancy, the SWHAPC encourages the Council to review and, where necessary, update draft Policy H1.

[...] The Council should therefore consider extending the Plan period.

Requested to attend examination?: -

Ref: C-34-06-H01

Representor: Stuart Partners Ltd 18002

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H1: Housing requirement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy H1: [bold]

Policy H1 refers to the Council's housing requirement, the preceding paragraphs indicate that H1 sets out the Council's proposed approach to meeting the housing requirement for Exeter between 2021 and 2041. The housing requirement is identified as 642 new homes per year, and the Exeter Plan indicates it will deliver a supply of 13,975 homes (allowing for a headroom of 1,135 homes). The Plan seeks to focus the majority of housing delivery on brownfield sites.

[underline] Focus on Brownfield Sites: [underline]

The focus on brownfield sites, whilst a laudable aspiration, is flawed. Recent planning decisions demonstrate that the viability of brownfield redevelopment is fragile at best. As such a plan which seeks to deliver the vast majority of the City's housing requirements on brownfield land is likely to fail at meeting the housing needs of the City.

Proposed allocation SBA1 Water Lane includes 1,861 new homes and 980 of these homes are subject to planning application reference 23/1007/OUT. The ECC Planning Committee has recently resolved to approve this application, in accordance with the Officer recommendation See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]. The recommendation concluded that the development is unviable both with and without affordable housing provision. A Financial Viability Appraisal (FVA) was included within the application submission, assessed by an independent consultant and considered to be consistent with the RICS Practice Statement and Guidance. The independent assessment of the FVA confirmed that the viability gap is substantial and that the development is unviable. The Committee Report confirms that, due to significant abnormal and additional costs in bringing this brownfield site forward, the development would not be able to provide affordable housing in addition to the infrastructure funding. The Committee Report confirmed that still, even without affordable housing provision, the development is unlikely to proceed without external subsidy or other intervention.

The conclusions of the application FVA is a stark contrast to the findings of the Viability Assessment (VA) of the Exeter Plan (para. 6.5) which found that the brownfield higher density allocations of VA1 Exeter central (which includes SBA1 Water Lane), [italic] 'are broadly viable as tested and able to deliver the general policy

requirements' [italic]. The VA (para.6.8) caveats that [italic] 'there is little detail available on site costs or funding mechanisms for the allocation specific policies' and that 'the approach taken within the viability assessment is to separately test the likely forms of development and tenures and consider the viability headroom available to meet any site specific cost implications' [italic]. Further, the VA assumes lower values than existing use values, i.e. the viability assumes brownfield land values not existing high value employment use values, resulting in unrealistic outcomes when determining the viability of the Exeter Plan. In light of this (and in noting the outcome of 23/1007/OUT), the accuracy and reliability of the findings of the VA with regard to brownfield allocations is highly questionable. See Viability Assessment of Viability Plan here [embedded link: https://exeter.gov.uk/media/au0dcvqt/local-plan-viability-assessment_final.pdf]

Application reference 23/1007/OUT Water Lane (South) demonstrates that brownfield sites cannot be a reliable source of housing delivery to meet Exeter's housing needs.

As set out in our previous representations, whilst brownfield redevelopment is a cornerstone of sustainable development and is an admirable aim that our client fully supports, viably delivering the vast majority of housing required in the plan period largely on brownfield land in a city, would stifle development, and worsen the documented undersupply of housing in the subregion.

[underline] Historic Housing Delivery: [underline]

The adopted Core Strategy set a housing target of at least 12,000 dwellings between 2006 and 2026, equivalent to 600 homes per annum. At the time of the publication of Exeter's Annual Monitoring Report (March 2024 See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]), this was superseded by the standard method housing figure of 642 homes per annum for 2023/24. By March 2024, 8,689 homes had been delivered, equivalent to 483 homes per annum and representing a shortfall of 2,111 homes up to 2024. The headroom figure provided within the Exeter Plan (even if achieved in full) does not account for this shortfall.

Whilst Exeter may have passed the 2023 Housing Delivery Test with a result of 110%, this does not take account of the significant and persistent shortfall which has taken place over the current plan period 2006-2026.

It is also relevant that neither Exeter nor East Devon can currently demonstrate a 5 year housing land supply. The Committee Report for application reference 23/1007/OUT Water Lane (South) Exeter identifies a housing supply (as of May 2024) of 4 years and 10 months (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Further, the minutes of the EDDC Planning Committee held on the 17th December 2024 confirm that the new standard method figure for East Devon has increased to 1,188 homes per year, reducing EDDCs housing land supply position to only 2.97 years (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]).

It is reasonable to conclude that additional land, and in particularly greenfield land, will need to be released to supplement brownfield land allocations to meet housing need, taking account of the historic shortfall that has taken place over the current plan period.

ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative areas) to assist in meeting the housing and employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues that subregion faces.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [embedded link: https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DCs Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Our Client's land, whilst located in East Devon, is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the persistent and significant shortfall in housing land supply either by allocating additional land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-36-06-H01

Representor: Taylor Wimpey

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H1: Housing requirement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The plan seeks to provide a minimum housing requirement of 642 homes per year over the plan period 2021 to 2041. This equates to 12,840 dwellings. In order to meet this target, the policy seeks to deliver 13,975 homes providing a circa 9% buffer over the minimum requirement. It is noted that the supply has been reduced since the previous iteration of the plan. The reason for this is unclear.

The identification of the housing requirement as a minimum and the provision of a buffer is supported. However, based upon the identified mix it is considered that a greater buffer will be required (see our comments upon Policy S1, S2 and Policy H2). A buffer figure closer to 20% should be considered to account for some sites taking longer than anticipated to deliver or non-delivery, these issues are discussed in greater detail within our comments upon Policy H2.

Our client also considers that a housing requirement greater than 642 dwellings per annum is required within Exeter. As discussed within our introduction to these representations the emerging plan will benefit from the transitional arrangements within the December 2024 NPPF and will, therefore, be examined against the 2023 version of the NPPF. To qualify the plan has to meet the conditions set out within paragraph 234 of the December 2024 NPPF. In the case of the Exeter Local Plan part (a) of paragraph 234 applies. This states that the plan has reached Regulation 19 (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need.

Utilising the current standard method for determining local housing need, as set out within the PPG, creates a minimum need of 800 dwellings per annum (dpa) for Exeter. The proposed housing requirement of 642dpa equates to 80% of local housing need. This is the absolute minimum required to meet the transitional arrangements. The Council should be aware that an increase in the local housing need by just 4dpa would place the proposed housing requirement below the 80% threshold in the NPPF. This could occur in March 2025 when the affordability ratios are updated. If the 2024 median workplace-based affordability ratio is greater than 8.65, which is lower than any year since 2019 the emerging plan will no longer benefit from paragraph 234(a) as it will be less than 80% of the local housing need calculation. Similarly, once Table 125: dwelling stock estimates by local authority is updated in November 2025 the proposed housing requirement is unlikely to meet 80% of the local housing need figure. To 'future-proof' the plan it is strongly recommended that the Council seek to meet the minimum housing requirement of 800dpa, as set out within the standard method.

As discussed within our comments upon the duty to cooperate whilst the Council has not currently been requested to assist neighbouring authorities this may change following the introduction of the new standard

method which sees increased need not only for Exeter but also the neighbouring authorities of Mid-Devon, Teignbridge and Torbay.

In terms of the delivery of the minimum housing requirement the PPG is clear that the supply can include consideration of how communal establishments contribute to the supply of housing. In terms of Exeter this is primarily student accommodation.

It is therefore clear that student accommodation, be it in communal halls or self-contained dwellings, either on or off-campus, can in principle count towards an authorities housing land supply. This is, however, on the proviso that:

- the amount of accommodation that new student housing releases in the wider housing market (by allowing existing properties to return to general residential use); and / or
- the extent to which it allows general market housing to remain in such use, rather than being converted for use as student accommodation.

In the case of Exeter, student numbers have been increasing in the city for a considerable period. The Council has provided evidence on Student Housing in the form of the Greater Exeter: Student Housing Needs Assessment, dated November 2024. Figure 2 of this document indicates a cumulative increase in student numbers from 2006/7 to 2021/22 of 14,818.

The Council will be aware of the 2015 High Court Judgement ([2015] EWHC 1663 (Admin)) between itself and the Secretary of State and ORS. In this case it was found that due to the Council's Core Strategy housing requirement not taking account of student accommodation the Council could not take account of purpose-built student accommodation (PBSA) within its five-year supply. Therefore, whilst in principle PBSA can be used to account for delivery of the housing supply, in the case of Exeter this can only occur where the increase in student numbers is taken into account. This is because the increasing student population will not release accommodation into the wider market, as it is for the purpose of housing increased student numbers.

It is noted that the Greater Exeter: Student Housing Needs Assessment concludes that the overall housing needs for Exeter is assumed to accommodate past rates of growth in the student population and the figures also contain additional flexibility to accommodate even higher rates in the future (paragraph 30). However, this conclusion was based upon the previous method for calculating local housing need, which provided the proposed plan requirement of 642dpa. The new standard method is not being met and as such this argument cannot be applied.

In terms of supply, unfortunately, the 2023/24 AMR does not provide comprehensive information upon the delivery of student accommodation as a component of the supply since 2006. Appendix 1 of the Council's 2023 and 2024 Five Year Housing Land Supply Statement partially fills this gap providing information on the rate of PBSA accommodation compared to non-PBSA since 2018/19. This information is replicated in table 5.1 below.

Table 5.1 identifies that of the recorded 5,396 housing completions since 2018/19 just 3,263 were non-PBSA. Therefore, just 60% of the dwellings delivered did not comprise PBSA.

Table 5.1: Contribution of purpose-built student accommodation to Exeter housing land supply

Monitoring Year: 2018/19
Number of Dwellings (excluding purpose built student): 621
Net Completions (including PBSA): 877
% New Dwellings: 71%

Monitoring Year: 2019/20
Number of Dwellings (excluding purpose built student): 553
Net Completions (including PBSA): 1,169
% New Dwellings: 47%

Monitoring Year: 2020/21
Number of Dwellings (excluding purpose built student): 348
Net Completions (including PBSA): 1,038
% New Dwellings: 34%

Monitoring Year: 2021/22
Number of Dwellings (excluding purpose built student): 585
Net Completions (including PBSA): 986
% New Dwellings: 59%

Monitoring Year: 2022/23
Number of Dwellings (excluding purpose built student): 462
Net Completions (including PBSA): 577
% New Dwellings: 80%

Monitoring Year: 2023/24
Number of Dwellings (excluding purpose built student): 694
Net Completions (including PBSA): 749
% New Dwellings: 93%

Total:
Number of Dwellings (excluding purpose built student): 3,263
Net Completions (including PBSA): 5,396
% New Dwellings: 60%

Source - Exeter CC Appendix 1: Five Year Housing Land Supply Statement May 2023 and May 2024

Based upon this information the plan is already heavily reliant upon PBSA to meet its requirements and indeed if PBSA is removed from the supply the Council has undersupplied against the proposed housing requirement of 642dpa in the first three-years of the proposed plan period (2021-2041). This provides little confidence that the focus upon high-density city centre schemes will meet the need for family housing and other forms of non-PBSA accommodation.

Moreover, the Greater Exeter: Student Housing Needs Assessment (figure 1) reference to existing 'full-time equivalent' student populations to year 2021/22 of 27,276 is already outdated, and presents a significant underrepresentation of student numbers based on a published FOI request from late 2023 by the University providing both full and part-time student populations by campus¹. Furthermore, the capacity of the university is likely larger with student numbers likely unrepresentatively depressed by the Covid-19 pandemic related deferments from year 2020/21 (as well as 2021/22).

Given the above issues it is essential that the housing requirement within the plan is adjusted to take account of the increasing student numbers within the city. To do otherwise is unsound as it is not positively prepared, justified or effective in meeting the housing needs of all sectors of the community, including families. Alternatively, all proposed PBSA should be removed from the supply of housing.

Under either scenario further allocations will be required. These should provide a balance to the existing focus upon city centre developments.

It must also be recognised that the local housing need figure identified via the standard method in the PPG is a minimum need figure. The PPG identifies several circumstances where it may be appropriate to consider a higher requirement. These being:

- Past levels of delivery,
- Economic growth plans,
- Strategic infrastructure provision, or
- Assisting meeting the unmet needs of neighbouring authorities.

None of these issues are provided appropriate consideration either within the plan or evidence base. This is considered a failing in the current evidence.

Modifications: -

Requested to attend examination?: -

Ref: C-40-06-H01

Representor: TT Group

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H1: Housing requirement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: It is acknowledged that the proposed housing requirement of 13,975 homes for the plan period (642 homes per year) is within 80% of the new local housing need set out within the standard method published alongside the NPPF in December 2024. The proposed requirement is therefore in accordance with the transitional arrangements set out in paragraph 234 of the NPPF. However, TT Group urge the Council to plan positively now as part of this draft plan to explore opportunities to increase this towards the standard method figure of 800 homes per year.

It is very clear from paragraph 234 of the NPPF that the 80% figure is a minimum, and therefore TT Group consider that to plan for the absolute minimum is contrary to the Government's objective set out in paragraph 61 of the NPPF to 'significantly boost the supply of homes'. As set out within these representations, there are available sites within the city which the Council could allocate now in order to help boost housing delivery, a principle which the NPPF emphasises.

Modifications: We therefore request that the Council considers the local housing need as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

Requested to attend examination?: -

Ref: D-07-06-H01

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H1: Housing requirement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: H1: Housing requirement (Strategic policy)

Policy H1 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

This policy states that the City Council will target the delivery of at least 642 homes per year between 2021 and 2041. It suggests that the delivery of 13,975 homes is proposed, including 5,369 homes on site allocations and approximately 1,006 homes on windfall sites.

The NPPF[13] states that to determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method set out in the PPG. The NPPF[14] also states that the requirement may be higher than the identified housing need, if for example, it includes provision for neighbouring area, or reflects growth ambitions linked to economic development or infrastructure investment. The PPG sets out the method for calculating the minimum annual local housing need figure[15]. The new Standard Method currently identifies a local housing need (LHN) of 800 dwellings per annum (dpa) for Exeter. The HBF notes that the proposed housing requirement of 642 is based on the previous Standard Method. The HBF notes that this should be the minimum requirement and that this should be the starting point for the Council in looking to determine their housing requirement.

Annex 1 of the current NPPF (December 2024) provides the transitional arrangements for local plans it states that 'for the purpose of preparing local plans, the policies in this version of the Framework will apply from 12 March 2025 other than where one or more of the following apply: . . . the plan has reached Regulation 1982 (pre-submission stage) on or before 12 March 2025, and its draft housing requirement meets at least 80% of local housing need'. The HBF notes that 642 is approximately 80% of 800. However, there is no flexibility in this calculation and if the new standard method were to increase prior to the submission of the Local Plan this may be an issue for the Council. The HBF would also highlight the Building the Homes we Need Written Ministerial Statement (WMS) which states that we are in the middle of the most acute housing crisis in living memory and that decisions should be about how to deliver housing an area needs, not whether to do so. The HBF would strongly recommend that the Council look to deliver the homes required by the new standard method, in order to plan positively and help to address this housing crisis, rather than maintain the lower figure currently identified in the Plan.

The HBF notes that the Local Housing Need Assessment (LHNA) identifies an overall need for affordable housing for Exeter equivalent to an average of 805dpa, and that the PPG[16] states that an increase in the total housing

figures included in the plan may need to be considered where it could help deliver the required number of affordable homes. Given the significant level of affordable housing need, the HBF recommends as above that the Council seek to identify a higher housing requirement.

The HBF strongly supports the need for more housing in the Exeter Local Plan for a variety of reasons including addressing the current housing crisis, meeting housing need, providing affordable housing, to support small and medium house builders and to support employment growth. The HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

Paragraph 6.4 of the Plan identifies a total supply of 13,975 homes for twenty years, and suggests that it allows for a healthy headroom above the requirement of 642dpa. A requirement of 642dpa would give a housing requirement of 12,840 dwellings over the 20-year period. This suggests that a housing supply of 13,975 would give a buffer of 1,135 dwellings over the 642dpa requirement, the HBF notes that this is less than 2 years of supply. If the housing requirement was increased to the 800dpa identified by the current Standard Method, the housing requirement would increase to 16,000 over the 20-year period. This would mean there was significant shortfall in the supply.

The HBF support Exeter planning for a supply of more housing than the standard method housing requirement in order to support economic growth and to support small and medium house builders, to provide a range and type of sites, to deliver the range and type of housing needed, including affordable housing and to allow for slippage and non-implementation in the supply.

Buffer

Although the HBF support the need for the Plan the plan to include a buffer to provide for allow for choice and competition in the housing market, we would question if 1,135 dwellings provide enough of a buffer to provide this choice, especially as we suggest the housing requirement should be larger in the first place to address to address the issues raised above.

Sources of supply

The policy seeks to meet the housing requirement through four different sources of supply: completions (2,311 dwellings), existing planning consents (5,289 dwellings), site allocations (5,369 dwellings) and a windfall allowance of approximately 1,006 homes.

If the Council wishes to rely on existing permissions as part of the housing supply, it should provide robust evidence to show that the existing planning consents remain deliverable and will continue to come forward during the plan period. The HBF would recommend that the Council include a level of flexibility in this source of supply to allow for non-implementation or minor changes to the consents.

In relation to windfalls, the NPPF[17] only permits an allowance for windfall sites if there is compelling evidence that such sites have consistently become available and will continue to be a reliable source of supply. The Five-Year Housing Land Supply Statement (May 2024) identifies an average basic net windfall projection of 48 dwellings (excluding Purpose Built Student Accommodation (PBSA)) or 53 dwellings (including PBSA). The HBF is not clear how this relates to the 1,006 identified in the Local Plan. The HBF is of the view that any supply provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. However, by including windfalls within the Plan's housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and

flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations. The HBF is therefore concerned about the Council's reliance on windfall in place of allocating housing sites.

Viability

It will be essential that the policy requirements in the Exeter plan are subject to robust viability testing through the whole plan viability assessment. Ideally policy requirements will be subject to viability testing throughout the plan-making process to help inform policy choices, especially where viability issues are identified which would mean some requirements may need to be balanced against others and may result in trade-offs being needed. Experience suggests viability is likely to be a particular challenge for plans with a high reliance on brownfield sites, as is the case with this Exeter Plan, this is borne out by the challenges identified in the Local Plan Viability Assessment (November 2024).

HBF also notes that feedback was given by the industry at the viability workshop on the viability issues that affect older person's housing. It was noted that the viability study found issues with older persons housing and suggested that the best solution would be a bespoke nil AH requirement or a lower supportable target for sheltered and extra care proposals. The council's response indicated that they would consider this issue when looking at the Reg 19 plan. However, there appears not to be any flex in the policy. This is despite the following conclusions within the plan wide study:

"5.13 Older persons housing has weaker viability than general housing:

Extra care and care homes are not viable under any of the circumstances tested although at the lower BLV tested extra care is marginal with no affordable housing

Sheltered housing is only viable (with limited headroom) with no affordable housing." Three Dragons report

The older persons housing section of the PPG has specific guidance in respect of housing for older people and viability.

How can the viability of proposals for specialist housing for older people be assessed?

Viability guidance sets out how plan makers and decision takers should take account of viability, including for specialist housing for older people. Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure. Plans can set out different policy requirements for different types of development. These policy requirements should be informed by evidence of infrastructure and affordable housing need, and a proportionate assessment of viability that takes into account all relevant policies and local and national standards, including the cost implications of Community Infrastructure Levy and section 106.

Viability guidance states that where up to date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. Such circumstances could include types of development which may significantly vary from standard models of development for sale (for example housing for older people). Paragraph: 015 Reference ID: 63-015-20190626

HBF would therefore request additional flexibility is added to the wording of the viability policy to ensure it is effective, justified and sound.

The need for Monitoring

The Council will need to monitor the delivery of housing and publish progress against a published Housing

Trajectory. Housing monitoring should be undertaken on a site-by-site basis, this will help the Council to identify if there is an issue and potentially how it can be best addressed. For example, is it with a particular location, or particular type of dwellings, or is it a wider issue. Therefore, the detailed housing trajectory including delivery from the four different sources should be included, to enable targeted actions to be taken if under delivery against one, or more, source of supply was to occur.

[13] NPPF December 2023 Paragraph 61 / NPPF 2024 Paragraph 61

[14] NPPF December 2023 Paragraph 67 / NPPF 2024 Paragraph 69

[15] PPG ID: 2a-004-20241212

[16] PPG ID: 2a-024-20190220

[17] NPPF December 2023 Paragraph 72 / NPPF 2024 Paragraph 75

Modifications: [...] The HBF would strongly recommend that the Council look to deliver the homes required by the new standard method, in order to plan positively and help to address this housing crisis, rather than maintain the lower figure currently identified in the Plan.

The HBF notes that the Local Housing Need Assessment (LHNA) identifies an overall need for affordable housing for Exeter equivalent to an average of 805dpa, and that the PPG[16] states that an increase in the total housing figures included in the plan may need to be considered where it could help deliver the required number of affordable homes. Given the significant level of affordable housing need, the HBF recommends as above that the Council seek to identify a higher housing requirement.

[...] The HBF would request that the Council considers the annual LHN as only the minimum starting point and fully considers all of the issues that may result in a need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing.

[...] The HBF support Exeter planning for a supply of more housing than the standard method housing requirement in order to support economic growth and to support small and medium house builders, to provide a range and type of sites, to deliver the range and type of housing needed, including affordable housing and to allow for slippage and non-implementation in the supply.

Although the HBF support the need for the Plan the plan to include a buffer to provide for allow for choice and competition in the housing market, we would question if 1,135 dwellings provide enough of a buffer to provide this choice, especially as we suggest the housing requirement should be larger in the first place to address to address the issues raised above.

[...] If the Council wishes to rely on existing permissions as part of the housing supply, it should provide robust evidence to show that the existing planning consents remain deliverable and will continue to come forward during the plan period. The HBF would recommend that the Council include a level of flexibility in this source of supply to allow for non-implementation or minor changes to the consents.

[...] The HBF is of the view that any supply provided by windfall sites should be in addition to the buffer added to the housing need figures derived from the Standard Method to provide choice and competition in the land market. However, by including windfalls within the Plan's housing requirement supply, any opportunity for windfalls to provide some additional housing numbers and flexibility is removed. Windfalls do not provide the same choice and flexibility in the market as additional allocations. The HBF is therefore concerned about the Council's reliance on windfall in place of allocating housing sites.

[...] HBF also notes that feedback was given by the industry at the viability workshop on the viability issues that affect older person's housing. It was noted that the viability study found issues with older persons housing and suggested that the best solution would be a bespoke nil AH requirement or a lower supportable target for sheltered and extra care proposals. The council's response indicated that they would consider this issue when looking at the Reg 19 plan. However, there appears not to be any flex in the policy.

[...] HBF would therefore request additional flexibility is added to the wording of the viability policy to ensure it is effective, justified and sound.

The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory. Housing monitoring should be undertaken on a site-by-site basis, this will help the Council to identify if there is an issue and potentially how it can be best addressed. For example, is it with a particular location, or particular type of dwellings, or is it a wider issue. Therefore, the detailed housing trajectory including delivery from the four different sources should be included, to enable targeted actions to be taken if under delivery against one, or more, source of supply was to occur.

[16] PPG ID: 2a-024-20190220

Requested to attend examination?: Yes

Ref: F-02-06-H01a

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H1: Housing requirement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Policy not effective in meeting the objectively assessed need for the housing requirement. Housing requirement (Strategic policy) does not accord with NPPF (23) para. 20 which sets out the expectation of affordable homes provision to be a strategic policy, and the policy it does not demonstrate how it meets the overarching policy objective. This is matter of strategic policy not viability.

While there is a separate Affordable Homes policy (H4), policy H1 as an overarching strategic policy for the housing requirement should set out the need for market [italic] and [italic] affordable homes, informed and justified by Local Housing Needs Assessment (LHNA): (from fig 48. p67)

[italic] "These 12,840 overall dwellings can be separated into market and affordable housing: 4,155 affordable housing; 8,685 market housing; 12,840 total housing need." [italic]

It is noted that an additional buffer resulting in a total number of 13,975 to enable 'choice and headroom' has been added to this number in the Regulation 19 Plan, however the principle to inform the policy remains.

The split between affordable and market homes may be set out as a number or a percentage (this would be 33% affordable housing and 67% market homes) in order to set out the policy targets and demonstrate how it will achieve the overall policy objective (emphasis mine) of providing "[bold] the quantity, [bold] type, quality and [bold] affordability of homes that Exeter needs [bold] in the right locations."

These targets/percentage will be important to be able to effectively justify any application for grant for affordable housing provision as set out in Policy H4 6.16 ..."grants and other subsidies will be used to increase the number of affordable homes delivered", setting out the targets as will also help (H4, notwithstanding) achieve the delivery of adequate numbers of affordable housing regardless of the split between brownfield and greenfield sites.

Modifications: To add new point to H1, justified by the evidence:

[italic] "This requirement will be split between affordable and market homes to meet local needs at a minimum of [33% or approximate number] affordable housing and approximately [67% or approximate number] market homes." [italic]

Requested to attend examination?: Yes

Ref: F-02-06-H01b

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H1: Housing requirement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Para 6.3 states that the housing requirement for Exeter is 12,840 homes between 2021 and 2041. Existing permissions provide for 5289 homes. Policy H1 states that approximately 1006 homes will be provided on as yet unspecified windfall sites.

Policy H2 then covers the sites allocated for new housing development, to fulfill the remaining requirement. These sites include sites identified for minor development (31 homes); sites identified for major development (823 homes), plus other large scale sites (1321 homes) and strategic mixed use sites (3194 homes).

Exeter City Council estimates that these sites, together with the 2021-2024 completions, existing permissions, and windfall sites, provide an availability for 13975 homes (see Policy H1). This is 1495 homes in excess of the housing requirement. Exeter CC explains this headroom as *'...allow(ing) for choice and competition in the housing market and means that the Exeter Plan will be resilient to uncertainties such as a delay in developing a particular site or changes to housing needs or Government policy.... '*

However, we consider that **the Policies do not take account of NPPF (Dec 2023) paragraphs 103 to 106 (retention of open space, enhancing rights of way, community identification of Local Green Spaces which are demonstrably special to a local community and holding particular local significance), para 124a (new habitat creation), para 124b (recognition that some undeveloped land can perform functions for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production); para 124c (supporting opportunities to remediate despoiled, degraded, derelict, contaminated land), and para 136 (tree provision), in respect of the smaller allocated sites and windfall sites.**

Some of these, if they weren't developed for housing, but instead were enhanced with green infrastructure, could meet the following needs identified in the NPPF:

- provide physical and mental health benefits to the local population,
- enhance urban wildlife and biodiversity, and
- counter the urban heat effect associated with climate change.

Such sites can also act as important wildlife and biodiversity corridors as part of the biodiversity network.

While Policy NE6 allows for some green infrastructure to be provided on some of the allocated sites, that policy applies only to major development (10+ homes), and not to minor development and windfall sites, some of which could be removed from the housing allocations list where local circumstances are in support of this. Removal of some of the major development sites themselves should also be considered where local circumstances favour this, without compromising the ability to meet the housing requirement.

Modifications: The Policies or the supporting text should contain words to the effect that Sites included for residential development will be those with no demonstrable local significance or no potential for improving adaptation or resilience to tackle climate change.

Requested to attend examination?: Yes

Ref: B-02-06-H02a

Representor: Environment Agency

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Belle Isle Depot, Belle Isle Drive (Site Ref. 72)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Soundness

In accordance with Paragraph 36 of the NPPF, the soundness tests must be applied to an emerging plan. We consider the plan to be sound, and support it in relation to the first 3 tests – Positively prepared, Justified and Effective. However due to the incorporation of 2 allocated sites which are fully/partially within flood zone 3 and which are, at present not included in the SFRA2 and for one no practicable solution is evident, we consider this may bring into question the soundness of the Plan in relation to it being ‘consistent with national policy’ on this matter. Hamlin Lane (No. 60), and Belle Isle (No. 72) are both within Flood Zone 3a.

National policy states in Chapter 14 that ‘para 170. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where 50 development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. para 171. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.’

We consider that the adoption of these sites for residential, more vulnerable development, without their assessment through the SFRA and without a plausible solution option, renders these allocations not currently in accordance with National Guidance or the principles of sustainable development.

Mitigation:

In order to overcome this issue

Hamlin Lane – This will only need to discuss the site rather than any modelling/full site table. The site is partial FZ3a rather than all of it so given the new NPPF para 175, only needs to say that X % of the site will need to be able to convey the overland flood flows through the site (from Hamlin Lane to the watercourse) and may need to adjust the access road alignment/camber, a flow route of least 5m wide & 0.6m deep, and the site’s edge along the watercourse will need to provide access for maintenance and fully consider erosion/flood levels.

Belle Island – Previous investigation of the site tried to arrive at a safe solution by proposed raising of the site, but that increased risk to third parties (Match Factory area) no safe solution has thus been demonstrated to the EA.

The Exceptions Test can't be passed until a viable solution is identified as likely and deliverable. It is possible that further modelling could demonstrate that a proportion of the site may be able to be made safe without causing harm to third parties.

Modifications: -

Requested to attend examination?: -

Ref: B-02-06-H02b

Representor: Environment Agency

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land at Hamlin Lane (Site Ref. 60)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Soundness

In accordance with Paragraph 36 of the NPPF, the soundness tests must be applied to an emerging plan. We consider the plan to be sound, and support it in relation to the first 3 tests – Positively prepared, Justified and Effective. However due to the incorporation of 2 allocated sites which are fully/partially within flood zone 3 and which are, at present not included in the SFRA2 and for one no practicable solution is evident, we consider this may bring into question the soundness of the Plan in relation to it being ‘consistent with national policy’ on this matter. Hamlin Lane (No. 60), and Belle Isle (No. 72) are both within Flood Zone 3a.

National policy states in Chapter 14 that ‘para 170. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where 50 development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. para 171. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.’

We consider that the adoption of these sites for residential, more vulnerable development, without their assessment through the SFRA and without a plausible solution option, renders these allocations not currently in accordance with National Guidance or the principles of sustainable development.

Mitigation:

In order to overcome this issue

Hamlin Lane – This will only need to discuss the site rather than any modelling/full site table. The site is partial FZ3a rather than all of it so given the new NPPF para 175, only needs to say that X % of the site will need to be able to convey the overland flood flows through the site (from Hamlin Lane to the watercourse) and may need to adjust the access road alignment/camber, a flow route of least 5m wide & 0.6m deep, and the site’s edge along the watercourse will need to provide access for maintenance and fully consider erosion/flood levels.

Belle Island – Previous investigation of the site tried to arrive at a safe solution by proposed raising of the site, but that increased risk to third parties (Match Factory area) no safe solution has thus been demonstrated to the EA.

The Exceptions Test can't be passed until a viable solution is identified as likely and deliverable. It is possible that further modelling could demonstrate that a proportion of the site may be able to be made safe without causing harm to third parties.

Modifications: -

Requested to attend examination?: -

Ref: B-03-06-H02a

Representor: Historic England

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Fever and Boutique, 12 Mary Arches Street (Site Ref. 100)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Strategic mixed use brownfield sites: Please note that our comments on strategic site allocations for housing are provided against the site specific policies in Chapter 16.

Other site allocations: We note the assessments and recommendations for these sites within the Council's HIA. While we have no in principle objections to the proposed non-strategic site allocations, in order to secure the appropriate development of these sites it will be important that the Plan contains a robust policy framework for the conservation and enhancement of heritage assets and associated matters such as achieving appropriate densities and the re-use and retrofit of historic buildings. This framework should respond to the issues and potential mitigation measures identified in the HIA. Please therefore see our comments and requested changes to development management policies including CC3, H15, HH1, HH2, HH3 and HH4.

Site allocations ref 163 and 100: As well as being covered by Policy H2 and the general development management policies, we consider that Mary Arches Multi-Storey and Surface Car Park (ref 163) should be incorporated into a significantly expanded and improved Policy H3: Regeneration opportunity areas – please see our detailed comments on the North Gate area which forms part of this policy. We also recommend that Fever and Boutique, 12 Mary Arches Street (ref 100) is covered by Policy H3 bearing in mind the close proximity and related heritage and design considerations.

Modifications: Strategic mixed use brownfield sites: See responses to policies in Chapter 16. Site Allocations.

Other site allocations: See responses to general development management policies.

Site allocations ref 163 and 100: See response to Policy H3 below.

Requested to attend examination?: -

Ref: B-03-06-H02b

Representor: Historic England

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Mary Arches Multi-Storey and Surface Car Park (Site Ref. 163)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Strategic mixed use brownfield sites: Please note that our comments on strategic site allocations for housing are provided against the site specific policies in Chapter 16.

Other site allocations: We note the assessments and recommendations for these sites within the Council's HIA. While we have no in principle objections to the proposed non-strategic site allocations, in order to secure the appropriate development of these sites it will be important that the Plan contains a robust policy framework for the conservation and enhancement of heritage assets and associated matters such as achieving appropriate densities and the re-use and retrofit of historic buildings. This framework should respond to the issues and potential mitigation measures identified in the HIA. Please therefore see our comments and requested changes to development management policies including CC3, H15, HH1, HH2, HH3 and HH4.

Site allocations ref 163 and 100: As well as being covered by Policy H2 and the general development management policies, we consider that Mary Arches Multi-Storey and Surface Car Park (ref 163) should be incorporated into a significantly expanded and improved Policy H3: Regeneration opportunity areas – please see our detailed comments on the North Gate area which forms part of this policy. We also recommend that Fever and Boutique, 12 Mary Arches Street (ref 100) is covered by Policy H3 bearing in mind the close proximity and related heritage and design considerations.

Modifications: Strategic mixed use brownfield sites: See responses to policies in Chapter 16. Site Allocations.

Other site allocations: See responses to general development management policies.

Site allocations ref 163 and 100: See response to Policy H3 below.

Requested to attend examination?: -

Ref: B-06-06-H02a

Representor: National Highways

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land at Topsham Golf Academy (Site Ref. 95)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The site allocations are set out in Strategic Policy H2. Proposed site allocations include Land at Old Rydon Lane, which is capable of accommodating 357 new dwellings, and St Bridget Nurseries which is capable of 350 dwellings. Both sites are within the A379 corridor and have the potential to increase traffic volumes via M5 J30. Smaller sites are also proposed for allocation in the Topsham area to the south of the M5 and will increase traffic demand on Clyst Road which meets with the A376 Sidmouth Road a short distance to the east of M5 J30.

The proposed residential allocations contained in Policy H2 have informed Devon County Council's modelling of the traffic impacts of The Exeter Plan. As previously noted, modelling work suggests material increases in traffic at M5 J30, principally associated with proposed allocations in the A379 corridor. Some of the forecast traffic flow increases at M5 J30 are associated with long-standing development ambitions, with proposed allocations in the Newcourt area carried forward from the current Local Plan and dating back to previous improvements at M5 J30. Nevertheless, with M5 J30 being located on the City Council boundary, the modelling evidence highlights the issue of cross-boundary travel between Exeter and neighbouring authorities.

Modifications: -

Requested to attend examination?: Yes

Ref: B-06-06-H02b

Representor: National Highways

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land to the west of Newcourt Road, Topsham (Site Ref. 94)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The site allocations are set out in Strategic Policy H2. Proposed site allocations include Land at Old Rydon Lane, which is capable of accommodating 357 new dwellings, and St Bridget Nurseries which is capable of 350 dwellings. Both sites are within the A379 corridor and have the potential to increase traffic volumes via M5 J30. Smaller sites are also proposed for allocation in the Topsham area to the south of the M5 and will increase traffic demand on Clyst Road which meets with the A376 Sidmouth Road a short distance to the east of M5 J30.

The proposed residential allocations contained in Policy H2 have informed Devon County Council's modelling of the traffic impacts of The Exeter Plan. As previously noted, modelling work suggests material increases in traffic at M5 J30, principally associated with proposed allocations in the A379 corridor. Some of the forecast traffic flow increases at M5 J30 are associated with long-standing development ambitions, with proposed allocations in the Newcourt area carried forward from the current Local Plan and dating back to previous improvements at M5 J30. Nevertheless, with M5 J30 being located on the City Council boundary, the modelling evidence highlights the issue of cross-boundary travel between Exeter and neighbouring authorities.

Modifications: -

Requested to attend examination?: Yes

Ref: B-06-06-H02c

Representor: National Highways

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land to the east of Newcourt Road 2, Topsham (Site Ref. 153)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The site allocations are set out in Strategic Policy H2. Proposed site allocations include Land at Old Rydon Lane, which is capable of accommodating 357 new dwellings, and St Bridget Nurseries which is capable of 350 dwellings. Both sites are within the A379 corridor and have the potential to increase traffic volumes via M5 J30. Smaller sites are also proposed for allocation in the Topsham area to the south of the M5 and will increase traffic demand on Clyst Road which meets with the A376 Sidmouth Road a short distance to the east of M5 J30.

The proposed residential allocations contained in Policy H2 have informed Devon County Council's modelling of the traffic impacts of The Exeter Plan. As previously noted, modelling work suggests material increases in traffic at M5 J30, principally associated with proposed allocations in the A379 corridor. Some of the forecast traffic flow increases at M5 J30 are associated with long-standing development ambitions, with proposed allocations in the Newcourt area carried forward from the current Local Plan and dating back to previous improvements at M5 J30. Nevertheless, with M5 J30 being located on the City Council boundary, the modelling evidence highlights the issue of cross-boundary travel between Exeter and neighbouring authorities.

Modifications: -

Requested to attend examination?: Yes

Ref: B-06-06-H02d

Representor: National Highways

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land at Newcourt Road, Topsham (Site Ref. 91)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The site allocations are set out in Strategic Policy H2. Proposed site allocations include Land at Old Rydon Lane, which is capable of accommodating 357 new dwellings, and St Bridget Nurseries which is capable of 350 dwellings. Both sites are within the A379 corridor and have the potential to increase traffic volumes via M5 J30. Smaller sites are also proposed for allocation in the Topsham area to the south of the M5 and will increase traffic demand on Clyst Road which meets with the A376 Sidmouth Road a short distance to the east of M5 J30.

The proposed residential allocations contained in Policy H2 have informed Devon County Council's modelling of the traffic impacts of The Exeter Plan. As previously noted, modelling work suggests material increases in traffic at M5 J30, principally associated with proposed allocations in the A379 corridor. Some of the forecast traffic flow increases at M5 J30 are associated with long-standing development ambitions, with proposed allocations in the Newcourt area carried forward from the current Local Plan and dating back to previous improvements at M5 J30. Nevertheless, with M5 J30 being located on the City Council boundary, the modelling evidence highlights the issue of cross-boundary travel between Exeter and neighbouring authorities.

Modifications: -

Requested to attend examination?: Yes

Ref: B-06-06-H02e

Representor: National Highways

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: St Bridget Nurseries (Site Ref. 83)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The site allocations are set out in Strategic Policy H2. Proposed site allocations include Land at Old Rydon Lane, which is capable of accommodating 357 new dwellings, and St Bridget Nurseries which is capable of 350 dwellings. Both sites are within the A379 corridor and have the potential to increase traffic volumes via M5 J30. Smaller sites are also proposed for allocation in the Topsham area to the south of the M5 and will increase traffic demand on Clyst Road which meets with the A376 Sidmouth Road a short distance to the east of M5 J30.

The proposed residential allocations contained in Policy H2 have informed Devon County Council's modelling of the traffic impacts of The Exeter Plan. As previously noted, modelling work suggests material increases in traffic at M5 J30, principally associated with proposed allocations in the A379 corridor. Some of the forecast traffic flow increases at M5 J30 are associated with long-standing development ambitions, with proposed allocations in the Newcourt area carried forward from the current Local Plan and dating back to previous improvements at M5 J30. Nevertheless, with M5 J30 being located on the City Council boundary, the modelling evidence highlights the issue of cross-boundary travel between Exeter and neighbouring authorities.

Modifications: -

Requested to attend examination?: Yes

Ref: B-06-06-H02f

Representor: National Highways

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land at Old Rydon Lane (Site Ref. 90)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The site allocations are set out in Strategic Policy H2. Proposed site allocations include Land at Old Rydon Lane, which is capable of accommodating 357 new dwellings, and St Bridget Nurseries which is capable of 350 dwellings. Both sites are within the A379 corridor and have the potential to increase traffic volumes via M5 J30. Smaller sites are also proposed for allocation in the Topsham area to the south of the M5 and will increase traffic demand on Clyst Road which meets with the A376 Sidmouth Road a short distance to the east of M5 J30.

The proposed residential allocations contained in Policy H2 have informed Devon County Council's modelling of the traffic impacts of The Exeter Plan. As previously noted, modelling work suggests material increases in traffic at M5 J30, principally associated with proposed allocations in the A379 corridor. Some of the forecast traffic flow increases at M5 J30 are associated with long-standing development ambitions, with proposed allocations in the Newcourt area carried forward from the current Local Plan and dating back to previous improvements at M5 J30. Nevertheless, with M5 J30 being located on the City Council boundary, the modelling evidence highlights the issue of cross-boundary travel between Exeter and neighbouring authorities.

Modifications: -

Requested to attend examination?: Yes

Ref: C-02-06-H02

Representor: 8 Tech Ltd

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Newbery Car Breakers (Site Ref. 129)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy H2 [bold]

Proposed Policy H2 allocates land for new homes, listing these allocations under headings, strategic mixed use brownfield sites, large scale predominantly residential sites, major predominantly residential sites and minor residential sites. It notes that the principle of housing development on unallocated windfall sites in the urban area will be supported.

[bold] Our Client's Landholdings - Site 129, Newbery Car Breakers (Appendix 1) [bold]

The land at Newbery Car Breakers has been allocated as a minor residential site under policy H2 to assist in meeting Exeter's housing required and is welcomed.

However, detailed consultancy input completed on behalf of our Client and to support a planning application, concluded that in light of site constraints, development should be limited to 5-6 homes on land at 'Newbery Car Breakers' (Site 129), and that this figure is achievable, viable and deliverable. It should be noted that this site is subject to an extant permission for 3 dwellings, under application reference 03/0906/FUL.

The plan should be corrected to allocate Site 129 for 5-6 homes.

Modifications: Detailed consultancy input completed on behalf of our Client, concluded that in light of site constraints, development should be limited to 5-6 homes on land at 'Newbery Car Breakers' (Site 129), and that this figure is achievable, viable and deliverable.

The plan should be corrected to allocate Site 129 for 5-6 homes.

Requested to attend examination?: No

Ref: C-03-06-H02

Representor: Anne Codner

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land Opposite 51 Homefield Road (Unallocated; HELAA Site 148)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Further to our comments above in relation to Policy H1, any increase to the overall housing requirement would result in the need for additional allocations. Albeit we encourage the Council to allocate additional suitable sites in any case. Allocating additional sites now will mean they can be easily and quickly brought forward to address any under-delivery of housing supply.

Given this context, we are particularly concerned that the Land Opposite 51 Homefield Road (site 148), is not included in draft Policy H2 as a draft allocation. It is instead proposed to be retained as open space / recreation, a matter which we address in detail in our response to draft Policy IF4.

Our position on the development potential of the site and benefits of allocation are set out below.

[italic] Land Opposite 51 Homefield Road (site 148) [italic]

The Land Opposite 51 Homefield Road (site 148) (from herein referred to as 'the site'), is located in Heavitree, only 1 mile east of the city centre. The site is therefore sustainably located within the existing urban area where potential future residents would benefit from access to a range of services and facilities. Indeed, the location, within the city, is precisely where the draft plan encourages for residential development in order to avoid further greenfield development outside of the city.

The site is also generally free from constraint, with the only key matter which would influence the design of any future development of the site being the location within the Heavitree Conservation Area.

This is not a designation which provides an overriding constraint to development however. Indeed, significant development has taken place over the years, and will continue to be delivered in the future within the various conservation areas in the city. Development within conservation areas will continue to be required in order to meet local housing need.

Instead, the presence of the conservation area is a key matter which would influence the design of any future proposals, and would indeed be at the heart of the design development process.

We note that the Heavitree Conservation Area Appraisal (2004) identifies the site a 'positive site' within the conservation area. However, it is important to note that the presence of mature trees on the boundaries of the site are a key aspect of this categorisation. Given the mature trees are located on the site boundaries they can be

retained and would not represent an overriding constraint to development.

Whilst the site currently falls within a draft designation for open space and recreation under draft Policy IF4, we strongly object to that draft designation given the circumstances of the site. Specifically, that the available evidence published by the Council does not support the designation of the site as open space or recreation. The site is too small to accommodate the youth football pitch provision identified in the Council's Playing Pitch Strategy, and the site is also in private ownership and has never accommodated any public access or community use.

Our response (objections) to draft Policy IF4 explains the circumstances of the site in more detail and why the site should be removed from the draft designation.

A much better use of the site would be for residential development.

In terms of context, Bramdean School, before its closure in 2020, was an independent / private school. The site in question is in private ownership and has never historically been available to the general public for sports, recreational or general public open space use and is therefore not available. The site only served a space used by pupils of the former private school when the school was open.

The site is now therefore surplus to requirements.

Set against this context is the significant pressure for the Council to plan positively as part of this draft plan to identify sufficient sites to meet an increasing housing need, and boost housing delivery.

Indeed, following the publication of the new NPPF in December 2024, Exeter City Council's local housing target will increase from 642 homes per year to 800 homes per year.

In our response to draft Policy H1, we urge the Council to plan positively now as part of this draft plan to explore opportunities to increase the proposed requirement towards the standard method figure of 800 homes per year. It is very clear from paragraph 234 of the NPPF that the 80% figure is a minimum, and therefore, in our view, to plan for the absolute minimum is contrary to the Government's objective set out in paragraph 61 of the NPPF to 'significantly boost the supply of homes'.

It is also clear that currently the Council cannot currently demonstrate a five year housing land supply, and is unlikely to be able to within the near future – with no mechanism available aside from granting speculative planning applications to remedy the deficit until such time as the new plan is adopted.

This further emphasises the need to allocate sufficient land to avoid similar issues in the future.

To assist in explaining our position we also have the following points of clarification to make in relation to the Council's HELAA assessment for the site, under reference 'Land Opposite 51 Homefield Road – no. 148', as follows:

- Suitability Assessment Stage A – the assessment incorrectly states that the site is assumed to be in flood zone 3b. The site falls within flood zone 1.
- Under Stage A (trees) a tree survey and constraints plan will be required. This is work ordinarily provided at the pre-application stage, and does not represent an overriding constraint to development.

- Under Stage A (playing pitches) the assessment incorrectly states that the site is a playing field. As outlined above, the site is no longer a playing field following the closure of the former Bramdean School in 2020. The site is now entirely closed off and even when being used in connection with the school it was not open for public or community use.

- It is stated on p662 of the HELAA that [italic] “given the conclusions of the Playing Pitch Strategy and no evidence from the submitter that the facility would be suitably replaced elsewhere, the site is discounted from having development potential”. [italic] For the reasons outlined in these representations the site assessment should be amended to accurately reflect the circumstances of the site and the fact that the site is now surplus to requirements and is too narrow and small for the youth football pitches identified in the Council’s Playing Pitch Strategy.

- Under Stage A (open space) – it is incorrectly stated that the site comprises an area of recreational open space. The site provides no function as recreational open space. It has not been in use since 2020 and before that was only used by pupils of the former Bramdean private school with no public or community use.

- Surface water flooding – the assessment incorrectly states that the site includes land at risk of surface water flooding. Whilst a planning application would ordinarily need to be accompanied by a drainage strategy, this statement within the HELAA needs to be corrected.

- Stage B conclusion – the reference to 0.3 hectares of the site failing the assessment on grounds of significant trees is now based on any evidence or justified. Development would also not result in the loss of an ‘available’ or ‘existing’ playing field. Instead the site is incapable of accommodating playing pitch provision as sought by the Council’s Playing Pitch Strategy. This conclusion should therefore be amended.

- Achievability assessment – this one sentence conclusion, claiming the site is ‘not achievable’ is entirely unjustified and lacks any supporting evidence. The presence of trees on the boundaries of the site and the conservation area are not constraints which would preclude development and the Council have presented no evidence to demonstrate why development would not be achievable on these grounds. This conclusion should be reviewed and amended.

- Rating and Overall Conclusion – for the reasons outlined above this conclusion is unjustified, and supported by information riddled with errors. This should be reviewed and amended accordingly.

Modifications: The solution we are advocating is for the Council to allocate additional sites now to provide flexibility in future housing delivery. In that context, it is clearly sensible to allocate available sites within the city as a priority and the site in question is therefore ideally placed to contribute to future housing delivery.

Overall, in our view, the Land Opposite 51 Homefield Road (site 148), should be removed from the draft designation for open space / recreation and instead allocated for residential development. By allocating the site this will help to make an important contribution to housing delivery in the city, on land in a highly sustainable location, making use of land which is now surplus to requirements and no longer serves a purpose upon which the draft Policy IF4 designation is based.

Requested to attend examination?: Yes

Ref: C-05-06-H02

Representor: Bloor Homes Exeter and Stuart Partners Ltd

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: SBA1: Water Lane (Site Ref. 15)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: It is acknowledged that the Council has, in accordance with previous submissions, reviewed and removed some site allocations that were not supported by robust evidence. However, there remains a lack of evidence to robustly support the delivery from sites that form part of proposed Policy H2 (both strategic mixed use and residential), where the majority of the City's development requirements are expected to arise from brownfield redevelopment opportunities. This includes delivery of more than 1,800 homes on the strategic brownfield site at Water Lane, which whilst a priority for the strategy is ambitious and if not achieved further risks under delivery of housing within the plan period. As also noted as part of comments on other policies, many of the brownfield development sites proposed for allocation in the plan (as part of the regeneration strategy) are high functioning (and higher value) employment land, which may both impact on future development prospects, but also contribute to additional needs arising via the displacement of these existing uses.

It is not clear that even the level of development being targeted by the plan, including via the allocations being made in Policy H2, will be met (which is too low, as we have commented on in respect of Policy H1).

It is not clear that the allocations being made within Policy H2 will facilitate the plan meeting housing and employment needs in full. Where there are unmet (residual) needs these should be far more clearly identified and where residual needs arise (which is likely), what these are and how they are to be met within the sub-region via collaboration and co-operation with neighbouring authorities.

Modifications: There should be further critical review of the evidence to support the level of delivery required from sites that remain allocated within Policy H2, and additional sources of supply should be identified where possible in order to meet development needs in full. This should have regard to both the housing and employment aspects of the plan, which should be pursued in parallel. In accordance with comments on other policies, once realistic and robust delivery potential from brownfield sites has been identified, there should be greater clarity about how housing and employment land needs are being met in full, or where residual needs arise (which is likely), what these are and how they are to be met within the sub-region via collaboration and co-operation with neighbouring authorities.

Requested to attend examination?: Yes

Ref: C-06-06-H02

Representor: Broom

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: SBA1: Water Lane (Site Ref. 15)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy H2 [bold]

Proposed Policy H2 allocates land for new homes, listing these allocations under headings, strategic mixed use brownfield sites, large scale predominantly residential sites, major predominantly residential sites and minor residential sites. It notes that the principle of housing development on unallocated windfall sites in the urban area will be supported.

Policy H1 refers to the Council's housing requirement, identified as 642 new homes per year, and the Exeter Plan indicates it will deliver a supply of 13,975 homes (allowing for a headroom of 1,135 homes). Policy H1 refers to the allocated sites (listed in policy H2) as delivering a total of 5,369 new homes and 1,006 new homes being delivered on windfall sites.

The allocations listed in policy H2 largely rely on the redevelopment of large scale brownfield sites. The focus on brownfield sites, whilst a laudable aspiration, is flawed. Recent planning decisions demonstrates that the viability of brownfield redevelopment is fragile. As such a plan which seeks to deliver the vast majority of the City's housing requirements on brownfield land is likely to fail at meeting the housing needs of the City.

Proposed allocation SBA1 Water Lane includes 1,861 new homes and 980 of these homes are subject to planning application reference 23/1007/OUT. The ECC Planning Committee has recently resolved to approve this application, in accordance with the Officer recommendation See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]. The recommendation concluded that the development is unviable both with and without affordable housing provision. A Financial Viability Appraisal (FVA) was included within the application submission, assessed by an independent consultant and considered to be consistent with the RICS Practice Statement and Guidance. The independent assessment of the FVA confirmed that the viability gap is substantial and that the development is unviable. The Committee Report confirms that, due to significant abnormal and additional costs in bringing this brownfield site forward, the development would not be able to provide affordable housing in addition to the infrastructure funding. The Committee Report confirmed that still, even without affordable housing provision, the development is unlikely to proceed without external subsidy or other intervention.

The conclusions of the application FVA is a stark contrast to the findings of the Viability Assessment (VA) of the Exeter Plan (para. 6.5) which found that the brownfield higher density allocations of VA1 Exeter central (which includes SBA1 Water Lane), [italic] 'are broadly viable as tested and able to deliver the general policy requirements'. [italic] The VA (para.6.8) caveats that [italic] 'there is little detail available on site costs or funding mechanisms for the allocation specific policies' [italic] and that [italic] 'the approach taken within the viability assessment is to separately test the likely forms of development and tenures and consider the viability headroom available to meet any site specific cost implications'. [italic] Further, the VA assumes lower values than existing use values, i.e. the viability assumes brownfield land values not existing high value employment use values, resulting in unrealistic outcomes when determining the viability of the Exeter Plan. In light of this (and in noting the outcome of 23/1007/OUT), the accuracy and reliability of the findings of the VA with regard to brownfield allocations is highly questionable. See Viability Assessment of Viability Plan here [embedded link: https://exeter.gov.uk/media/au0dcvqt/local-plan-viability-assessment_final.pdf]

Application reference 23/1007/OUT Water Lane (South) demonstrates that brownfield sites cannot be a reliable source of housing delivery to meet Exeter's housing needs.

As set out in our previous representations, whilst brownfield redevelopment is a cornerstone of sustainable development and is an admirable aim that our client fully supports, viably delivering the vast majority of housing required in the plan period largely on brownfield land in a city, would stifle development, and worsen the documented undersupply of housing in the subregion.

It is reasonable to conclude that additional land, and in particularly greenfield land, will need to be released to supplement brownfield land allocations to meet housing need, taking account of the historic shortfall that has taken place over the current plan period. If sufficient land to meet housing need cannot be allocated within Exeter's administrative area, neighbouring authorities must, under the Duty to Cooperate, allocate land to meet their needs and those of neighbouring authorities.

ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative areas) to assist in meeting the housing and employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues that subregion faces.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DC's Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Our Client's land, whilst located in East Devon, is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the persistent and significant shortfall in housing land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing needs of Exeter. Consideration should be given to suitable greenfield sites where new homes can be delivered with more certainty.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-07-06-H02

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: SBA2: East Gate (Site Ref. 145)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: • The Client strongly supports the allocation of East Gate within Policy H2 (Housing allocations and windfalls) for the provision of new homes with associated infrastructure.

• Whilst it is noted that the number of homes the Site is allocated for has been reduced (previously 850 but now 609), the Site area has also been reduced, and this has therefore not resulted in a reduced recommended density.

Modifications: • The Client does however recommend that text is added to either the policy itself or the supporting text to confirm that 'homes' includes a multitude of accommodation types, namely PBSA.

[bold] Recommendation: [bold] Policy H2 and its supporting text is amended to add confirmation that the allocation of the listed sites for the provision of homes includes PBSA on appropriate sites mindful that they contribute positively to overall housing supply.

Requested to attend examination?: Yes

Ref: C-12-06-H02a

Representor: Darts Farm Limited

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: 6.8 and 6.9

Site: Land adjoining Silverlands (Site Ref. 18)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: We note that Policy H2 identifies a range of sites for housing use. The supporting text (at paras 6.8 and 6.9) notes that a mixture of sites, comprising a range of small and medium sites including some in greenfield locations, are proposed in addition to large strategic proposals, in order to provide a balance of supply in terms of both location and scale. These include Site 18 (Land adjoining Silverlands) and Site 91 (Land at Newcourt Road). Sites 18 and 91 are proposed as medium sized housing sites (for 67 and 69 units respectively) and will make an important contribution to the Councils overall supply. Both these sites are readily developable, being deliverable and free of significant constraints.

It is considered that, given the range of housing sites proposed, which includes a broad mixture of sizes, types and locations, and provided Sites 18 and 91 are included, being necessary to help reinforce the Councils housing supply, Policy H2 is compliant with the approach set out in NPPF. The policy is justified, given that it is positive in the identification of a broad range of specifically identified sites, justified and effective because of the need to deliver housing across the plan period and consistent with the housing objectives set out in the NPPF which require an adequate supply of sites to meet local housing needs to be provided.

Modifications: -

Requested to attend examination?: Yes

Ref: C-12-06-H02b

Representor: Darts Farm Limited

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: 6.8 and 6.9

Site: Land at Newcourt Road, Topsham (Site Ref. 91)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: We note that Policy H2 identifies a range of sites for housing use. The supporting text (at paras 6.8 and 6.9) notes that a mixture of sites, comprising a range of small and medium sites including some in greenfield locations, are proposed in addition to large strategic proposals, in order to provide a balance of supply in terms of both location and scale. These include Site 18 (Land adjoining Silverlands) and Site 91 (Land at Newcourt Road). Sites 18 and 91 are proposed as medium sized housing sites (for 67 and 69 units respectively) and will make an important contribution to the Councils overall supply. Both these sites are readily developable, being deliverable and free of significant constraints.

It is considered that, given the range of housing sites proposed, which includes a broad mixture of sizes, types and locations, and provided Sites 18 and 91 are included, being necessary to help reinforce the Councils housing supply, Policy H2 is compliant with the approach set out in NPPF. The policy is justified, given that it is positive in the identification of a broad range of specifically identified sites, justified and effective because of the need to deliver housing across the plan period and consistent with the housing objectives set out in the NPPF which require an adequate supply of sites to meet local housing needs to be provided.

Modifications: -

Requested to attend examination?: Yes

Ref: C-13-06-H02

Representor: Devon County Council (Estates Development)

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: South Gate (SBA5, Site Ref. 46)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: DCC has been working with Exeter City Council in respect of the Southgate Site being brought forward for 100+ residential apartments. Subject to the scheme being commercially viable, meeting statutory authorities requirements and the highways reconfiguration being achievable, then DCC as the Landowner of this site is supportive of this site being included in the Exeter Local Plan and subsequently being developed. This scheme would deliver a high number of residential units on a compact site and with good design, respecting the sites historic context, it will be possible to make the development fit well into the setting. The scheme also offers a great deal of scope for placemaking and to provide a more focussed link between the city centre and the quayside. A development would make good use of a brownfield site and is a highly sustainable location in respect of employment, travel, retail, health & other services.

Modifications: -

Requested to attend examination?: Yes

Ref: C-14-06-H02

Representor: Devon County Council (Landowner)

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land at Matford Lane 2 (Site Ref. 158)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: [Regarding legal compliance:]

The local plan is legally compliant as it has been prepared in accordance with the Local Development Scheme and has been published alongside a sustainability report.

The site allocation has been subject to public consultation through the Regulation 19 consultation in accordance with the Councils Statement of Community Involvement which sets out the strategy for involving the community in the preparation and revision of plans.

The landowner has also complied with s123(2A) of the local Government Act 1972 and between 28 December 2023 and January 12 2024 advertised its intention to dispose of the site, which forms part of land considered to be open space. The landowner has considered the objections received and a summary of the issues raised by the public and Devon County Councils response are provided below. This demonstrates how the site can be developed to overcome neighbour concerns and meet local and national plan policy.

[bold] Design and Layout [bold]

Issue - Too many dwellings and high buildings would be visually intrusive.

Response - The size and scale of any new building can be carefully designed to prevent any detrimental impact upon the Conservation Area, adjacent Listed Building and its setting. It is considered that a two and a half/three storey building would be suitable for this location and would not be visually intrusive given the existing screening from existing buildings and trees. This would be in accordance with emerging policy D1 of the emerging Local Plan, which states developments must; provide a layout and built form that makes efficient use of the site and complements the surrounding area and buildings through appropriate densities, massing and building heights.

As previously mentioned although the landowner is supportive of the allocation for 21 dwellings it is considered that with the site constraints, Listed Building, trees and ecology/BNG that a lower density of development would be more suited to this location.

[bold] Heritage/Conservation Area.[bold]

Issue - The site is located within a Conservation Area & should not be developed.

Response- The proposed site is located in the conservation area but previously consisted of a modular office building which has been demolished. The proposed redevelopment of the site can be sensitively designed to enhance the character and appearance of the area in accordance with 'emerging' Local Plan policy H2 which requires development proposals to conserve the distinctive character, special architectural value and historic significance of Conservation Areas. The site has also been subject to consultation with Exeter City Council's Conservation Officer and no objection has been raised regarding the allocation of the site for development.

[bold] Affordable Housing [bold]

Issue - A request was received for affordable housing on the site.

Response - Any application will comply with the emerging Local Plan policy H4 which requires 15% affordable homes on developments of ten homes or more or with a site area of 0.5 hectares or more (subject to viability).

[bold] Sustainable Travel - Public footpath [bold]

Issue - Area provides a safe walking route for school children/others.

Response - There is no formal footpath through the site, however the curtilage allows for the retention of routes frequently used by the public and dog walkers through wooded areas. A considerable green corridor between the site and Matford Lane will be retained to allow for recreation and walking.

The proposed development will also be designed to allow natural surveillance of paths to enhance the security of the area.

[Bold] Open Space/Recreational Area [bold]

Issue - Loss of open space used by the school.

DCC Response: The loss of open space at County Hall will be limited as the majority of the new development will be constructed upon the footprint of the previous building with communal areas/gardens provided adjacent to the building(s).

The total green space at County Hall is 5.00 hectares, the area in question is an area of 0.60 hectares of which 0.23 hectares is currently public open space (POS). This represents 4.65% reduction in total to the current POS on site. Although the quantity of POS will be reduced the quality of the remaining land can be enhanced to compensate for the loss.

Some of the curtilage is covered by trees and the majority of these are protected. A considerable green corridor between the site and Matford Lane will be retained to allow for recreation and walking.

[bold] Loss of Trees and Biodiversity [bold]

Issue - Concern raised regarding potential loss of trees and biodiversity.

Response - It is not anticipated that there would be any significant tree removal. It is possible a very small number of category C trees would be removed and replaced on the County Hall site to allow access.

A minimum of 10% Biodiversity net gain will be provided on the site and protected trees will be retained in

accordance with the Environment Act (2021) and policy NE3 of the emerging Local Plan, which highlights the need to.

"Provide at least 10% Biodiversity Net Gain on site where possible, but elsewhere if not, in accordance with national and local guidance, to meet the Biodiversity Gain Objective, help deliver the Local Nature Recovery Strategy and to ensure a net biodiversity gain for the city."

[bold] Infrastructure [bold]

Issue - Over stretched infrastructure (hospitals, doctors, roads).

Response - The impact upon the capacity of local infrastructure will be considered through the formal planning process and contributions towards health, road improvements could be sought at planning application stage. The site offers the opportunity for car free or low car development which will limit any impact upon the road network.

[bold] Education [bold]

Issue - Oversubscribed primary school.

Response - The current number of pupils on roll at St Leonards is 619 against a 630 capacity. Forecast cohort data (up to '27/28) also shows a surplus of primary capacity. In terms of pupil place planning considering all primary schools within the statutory walking distance of 1.5 miles from the development site there is also adequate capacity in the wider area. The impact to education capacity will be assessed once a planning application is submitted. If there is an under provision a contribution towards education could be provided via a Section 106 agreement

[bold] Public Consultation [bold]

Issue - Public wanted more consultation with local residents.

Response - DCC has complied with s123(2A) of the Local Government Act 1952 by advertising its intention to dispose of land forming part of a public open space and considering the objections that were received. This process also enabled DCC to engage with local residents and relevant organisations to identify any key site issues and local concerns which would need to be addressed as part of the site allocation and future planning application. DCC have reported all the local objections to Exeter City Council.

The allocation of the site is also subject to consultation through the Local Plan process

[bold] Construction Process [bold]

Issue - Disruption of building works/ development.

Response- The concern regarding disruption from building work can be addressed at application stage once the design of the development is known. A Construction Consideration Statement/Management Plan can be conditioned to limit any impact upon the residential amenity of neighbouring properties which are located over 50 metres from the site in accordance with 'emerging' local plan policy H16. Policy 16 states that "development proposals will be supported when they do not result in unacceptable harm to the amenity of neighbouring residents. New homes must provide safe and healthy living conditions and good standards of amenity for future occupiers". The construction consideration statement will include details of access, contractor vehicle site movements, when work can be carried out/hours of operation, noise, vibration, dust, waste recycling, material

storage, general contractor site conduct, response to complaints etc.

In addition, DCC can provide access for construction through County Hall from its main access of the Topsham Road.

Conclusion

The site is considered suitable for residential development being within Exeter on previously developed land in a sustainable location with good access to jobs, services and facilities by sustainable modes of transport. The site could be sensitively designed to overcome neighbour concerns regarding design and layout, visual impact and loss of open space at planning application stage and the density/number of units could be lowered to help address site constraints. The proposed site allocation and local plan process is considered to be sound, legally compliant and meets the duty to co-operate.

[Regarding soundness:]

The development of the site for housing would result in a sustainable form of development which would be **'consistent with national policy'** in the NPPF on sustainable development.

The proposed site forms part of Devon County Council County Hall site and is located off Matford Lane. The site previously accommodated a modular office building which was demolished in September 2023 following planning consent being approved on 15 March 2023. (Devon County Council Ref. DCC/4335/2023.) The land currently consists of the footings of the building with grassed areas and trees on the boundary. It is intended to seek planning permission to increase the time period for retention of the footings whilst the site is considered for housing. The neighbouring development consist of a mix of residential, education and commercial uses. The site sits adjacent to Devon County Council a Grade II* Listed Building.

The site is situated in a sustainable location within the urban area of Exeter City Council adjacent to residential properties and located approximately 10 minutes on foot from shops on Magdalen Road (0.4 miles) and 20 minutes (1 mile) to the City Centre. It is also near essential services and facilities and job opportunities, including:

St Leonards Primary School: 0.3 miles (5-minute walk).

Isca Academy: 1 mile (20-minute walk or 5-minute drive).

Waitrose Supermarket: 1.1 miles (17-minute walk or 5-minute drive).

Train Station: 1.1 miles (20-minute walk or 5-minute drive).

Hospital: 1.2 miles (17-minute walk or 5-minute drive).

The site allocation can be 'justified' as the Council has followed an appropriate strategy having taken into account the reasonable alternatives as part of the Local Plan process. The site was put forward for development by Devon County Council and was reviewed for development in the HELAA and considered suitable for housing development in the Reg 19 Local Plan.

The site allocation is considered to be sound as the plan has been **'positively prepared'** to meet the areas objectively assessed housing need, has been considered in accordance with the Local Plan process and would provide up to 21 residential dwellings to help meet the City Councils delivery target of 13,975 homes between 2021 and 2041. Forming part of the 5,369 homes on site allocations.

It should also be recognised that with the introduction of the revised NPPF in December 2024, the standard method of calculating housing need has been amended and it is likely a much greater housing need is required by Exeter City Council and more allocations for housing.

The site allocation would be **'effective'** as it will be available and deliverable in the next five years. It is a vacant previously developed land (see NPPF definition of previously developed land below) which is surplus to DCC requirements.

Previously developed land: Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.

The site has all the necessary infrastructure for future housing development with connections to gas electricity and telecommunications and highways. The site has good drainage and surface water is disposed of via soakaways.

The site does not have any significant site constraints which would prevent development. It is not located in a sensitive environmental location or within a high risk flood zone. The site is located in flood zone 1 as shown on the environment agency flood risk maps.

The site would, therefore, be available and deliverable in the next five years to help Exeter City Council meet their 5 year housing land delivery targets.

Suggested amendment (to ensure soundness)

Although the Council as landowner is supportive of the allocation for 21 dwellings it is considered that with the site constraints, Listed Building, trees and ecology/BNG that a lower density of development would be more suited to this location. The HELAA originally suggested 10-15 units on the site which was increased by the Development Management Team suggesting the site could accommodate a 3-4 storey development of around 21 apartments. This may result in a more visually intrusive and cramped form of development within the Conservation Area and adjacent to the Listed Building. It is suggested that a lower number of say 15 dwellings would be more appropriate in this location and could be amended in the table in emerging policy H2.

[Regarding duty to cooperate:]

The site was considered in the Housing and Economic Land Availability Assessment HELAA and considered through the Local Plan process and consultation with the landowner and relevant consultees has taken place.

The Local Planning Authority has engaged constructively, actively and on an on-going basis with the landowner, neighbouring authorities and statutory bodies during the preparation of the plan and consideration of this site and have complied with the Duty to Cooperate.

Modifications: Although the Council as landowner is supportive of the allocation for 21 dwellings it is considered that with the site constraints, Listed Building, trees and ecology/BNG that a lower density of development would be more suited to this location. The HELAA originally suggested 10-15 units on the site which was increased by the Development Management Team suggesting the site could accommodate a 3-4 storey development of around 21 apartments. This may result in a more visually intrusive and cramped form of development within the

Conservation Area and adjacent to the Listed Building. It is suggested that a lower number of say 15 dwellings would be more appropriate in this location and could be amended in the table in emerging policy H2.

Requested to attend examination?: Yes

Ref: C-15-06-H02

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land adjoining Silverlands (Site Ref. 18)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Land adjoining Silverlands (Site Ref. 18)

As noted in the Introduction, Edenstone control this land and support its inclusion as a residential only allocation, continuing the principle established by the wider Alphington allocation for 500 dwellings within Policy CS19 of the adopted Exeter Core Strategy (2012). Other land within the Alphington allocation is being built out by Redrow to the east and Tilia Homes to the west.

Notwithstanding Edenstone's support for the continued allocation, these representations are, however, unclear on how the proposed capacity of 67 homes proposed in Policy H2 has been arrived at, and we consider that this may be a little on the high side, taking account of densities and character within the neighbouring consents and supporting paragraph 6.12's requirement for development pursuant to Policy H2 to *"reflect the pattern of the streets and buildings, plot sizes and the ratio of built form to garden in the surrounding area, although innovative designs can also sometimes help to achieve an acceptable solution that respects an area's character"*.

Modifications: As a benchmark, Edenstone's pre-application enquiry submitted in December 2024 proposes a scheme of 52 units, comprising a mix of 1 bedroom flats through to 4 bedroom houses. As means of resolving, it may be most practical to refer to "[up to 67 homes"]".

Requested to attend examination?: Yes

Ref: C-16-06-H02

Representor: Eutopia Exeter Arches Ltd

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Mary Arches Multi-Storey and Surface Car Park (Site Ref. 163)

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: Yes

Comments: [Legal Compliance:]

We support the housing allocation (Ref 163) of 'Mary Arches Multi-Storey and Surface Car Park.'

We note that under draft policy H2 the 'number of homes' that the site can deliver is identified as 154 units. At this stage this should be noted as a 'minimum capacity' for the purposes of delivery targets (Ref: Policy H1). The development potential of identified sites, should, of course, only properly be judged as part of the development management process through the submission of a planning application and as such a capped threshold approach should not be identified in the policy.

Whilst a plan-led approach is necessary in order to set the parameters for development, any allocation should be flexible in terms of capacity (i.e. minimum) and not preclude making the best use of vacant, brownfield sites to be 'consistent with national policy'.

Such sites should be able to provide for a variety of unit types. It is noted at paragraph 6.37 of the draft plan that 'co-living will count towards Exeter's housing requirement. In this regard, Policy H2 should also recognise other forms of delivering the Council's housing need and requirements. For example, in the case of 'Mary Arches Multi-Storey and Surface Car Park' this has been explicitly recognized as having potential of delivering Co-living units'. Cross reference to Policy H6 is necessary for the plan to be 'positively prepared' and be 'consistent with national policy'.

[Soundness:]

It does not meet the tests of soundness as set out in para 36 of the NPPF; namely 'positively prepared' and 'consistent with national policy' (see section 4b)

Modifications: Number of homes heading should be annotated: 'indicative minimum site capacity'

Policy should cross reference Policy H5 'Build to Rent' and H6 'Co-living housing'.

Requested to attend examination?: No

Ref: C-18-06-H02a

Representor: Exeter City Council (Corporate Property)

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: 12-31 Sidwell Street (Site Ref. 51)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: In accordance with regulations.
Site allocations at:

- Ref 53 - 12-31 Sidwell Street
- Ref 60 - Land at Hamlin Lane
- Ref 72 - Belle Isle Depot
- Ref 100 - Fever and Boutique, 12 Mary Arches Street
- Ref 160 - Unit 1 Night Club
- Ref 163 - Mary Arches Multi-Storey and Surface Car Park

are considered justified (based on evidence) and effective (deliverable) as evidenced by the appropriation and availability of City Council land for development.

Evidence of discussion with required bodies provided.

Modifications: -

Requested to attend examination?: Yes

Ref: C-18-06-H02b

Representor: Exeter City Council (Corporate Property)

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land at Hamlin Lane (Site Ref. 60)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: In accordance with regulations.
Site allocations at:

- Ref 53 - 12-31 Sidwell Street
- Ref 60 - Land at Hamlin Lane
- Ref 72 - Belle Isle Depot
- Ref 100 - Fever and Boutique, 12 Mary Arches Street
- Ref 160 - Unit 1 Night Club
- Ref 163 - Mary Arches Multi-Storey and Surface Car Park

are considered justified (based on evidence) and effective (deliverable) as evidenced by the appropriation and availability of City Council land for development.

Evidence of discussion with required bodies provided.

Modifications: -

Requested to attend examination?: Yes

Ref: C-18-06-H02c

Representor: Exeter City Council (Corporate Property)

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Belle Isle Depot, Belle Isle Drive (Site Ref. 72)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: In accordance with regulations.
Site allocations at:

- Ref 53 - 12-31 Sidwell Street
- Ref 60 - Land at Hamlin Lane
- Ref 72 - Belle Isle Depot
- Ref 100 - Fever and Boutique, 12 Mary Arches Street
- Ref 160 - Unit 1 Night Club
- Ref 163 - Mary Arches Multi-Storey and Surface Car Park

are considered justified (based on evidence) and effective (deliverable) as evidenced by the appropriation and availability of City Council land for development.

Evidence of discussion with required bodies provided.

Modifications: -

Requested to attend examination?: Yes

Ref: C-18-06-H02d

Representor: Exeter City Council (Corporate Property)

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Fever and Boutique, 12 Mary Arches Street (Site Ref. 100)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: In accordance with regulations.
Site allocations at:

- Ref 53 - 12-31 Sidwell Street
- Ref 60 - Land at Hamlin Lane
- Ref 72 - Belle Isle Depot
- Ref 100 - Fever and Boutique, 12 Mary Arches Street
- Ref 160 - Unit 1 Night Club
- Ref 163 - Mary Arches Multi-Storey and Surface Car Park

are considered justified (based on evidence) and effective (deliverable) as evidenced by the appropriation and availability of City Council land for development.

Evidence of discussion with required bodies provided.

Modifications: -

Requested to attend examination?: Yes

Ref: C-18-06-H02e

Representor: Exeter City Council (Corporate Property)

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Unit 1 Night Club, Summerland Street (Site Ref. 160)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: In accordance with regulations.
Site allocations at:

- Ref 53 - 12-31 Sidwell Street
- Ref 60 - Land at Hamlin Lane
- Ref 72 - Belle Isle Depot
- Ref 100 - Fever and Boutique, 12 Mary Arches Street
- Ref 160 - Unit 1 Night Club
- Ref 163 - Mary Arches Multi-Storey and Surface Car Park

are considered justified (based on evidence) and effective (deliverable) as evidenced by the appropriation and availability of City Council land for development.

Evidence of discussion with required bodies provided.

Modifications: -

Requested to attend examination?: Yes

Ref: C-18-06-H02f

Representor: Exeter City Council (Corporate Property)

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Mary Arches Multi-Storey and Surface Car Park (Site Ref. 163)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: In accordance with regulations.
Site allocations at:

- Ref 53 - 12-31 Sidwell Street
- Ref 60 - Land at Hamlin Lane
- Ref 72 - Belle Isle Depot
- Ref 100 - Fever and Boutique, 12 Mary Arches Street
- Ref 160 - Unit 1 Night Club
- Ref 163 - Mary Arches Multi-Storey and Surface Car Park

are considered justified (based on evidence) and effective (deliverable) as evidenced by the appropriation and availability of City Council land for development.

Evidence of discussion with required bodies provided.

Modifications: -

Requested to attend examination?: Yes

Ref: C-19-06-H02a

Representor: Exeter City Council (Housing Assets)

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Clifford Close (Site Ref. 63)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: In accordance with relevant planning regulations and assessments.

Policy H2 is sound because it includes a series of sites the City Council housing department (as land and property owner) is bringing forward in accordance with the housing strategy over the period up to 2041. The sites in question are:

- Clifford Close
- Chestnut Avenue
- Garages at Lower Wear Road
- Lancelot Road
- Land rear of Beacon Lane shops
- Land at Taunton Close
- 91-97 Wonford Street

The sites are owned by the City Council Housing Revenue Account and are available in the plan period. The policy is therefore effective and so can be considered sound.

Evidence of discussion with required bodies provided.

Modifications: -

Requested to attend examination?: -

Ref: C-19-06-H02b

Representor: Exeter City Council (Housing Assets)

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Chestnut Avenue (Site Ref. 75)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: In accordance with relevant planning regulations and assessments.

Policy H2 is sound because it includes a series of sites the City Council housing department (as land and property owner) is bringing forward in accordance with the housing strategy over the period up to 2041. The sites in question are:

- Clifford Close
- Chestnut Avenue
- Garages at Lower Wear Road
- Lancelot Road
- Land rear of Beacon Lane shops
- Land at Taunton Close
- 91-97 Wonford Street

The sites are owned by the City Council Housing Revenue Account and are available in the plan period. The policy is therefore effective and so can be considered sound.

Evidence of discussion with required bodies provided.

Modifications: -

Requested to attend examination?: -

Ref: C-19-06-H02c

Representor: Exeter City Council (Housing Assets)

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Garages at Lower Wear Road (Site Ref. 84)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: In accordance with relevant planning regulations and assessments.

Policy H2 is sound because it includes a series of sites the City Council housing department (as land and property owner) is bringing forward in accordance with the housing strategy over the period up to 2041. The sites in question are:

- Clifford Close
- Chestnut Avenue
- Garages at Lower Wear Road
- Lancelot Road
- Land rear of Beacon Lane shops
- Land at Taunton Close
- 91-97 Wonford Street

The sites are owned by the City Council Housing Revenue Account and are available in the plan period. The policy is therefore effective and so can be considered sound.

Evidence of discussion with required bodies provided.

Modifications: -

Requested to attend examination?: -

Ref: C-19-06-H02d

Representor: Exeter City Council (Housing Assets)

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Lancelot Road (Site Ref. 31)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: In accordance with relevant planning regulations and assessments.

Policy H2 is sound because it includes a series of sites the City Council housing department (as land and property owner) is bringing forward in accordance with the housing strategy over the period up to 2041. The sites in question are:

- Clifford Close
- Chestnut Avenue
- Garages at Lower Wear Road
- Lancelot Road
- Land rear of Beacon Lane shops
- Land at Taunton Close
- 91-97 Wonford Street

The sites are owned by the City Council Housing Revenue Account and are available in the plan period. The policy is therefore effective and so can be considered sound.

Evidence of discussion with required bodies provided.

Modifications: -

Requested to attend examination?: -

Ref: C-19-06-H02e

Representor: Exeter City Council (Housing Assets)

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land rear of Beacon Lane shops (Site Ref. 30)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: In accordance with relevant planning regulations and assessments.

Policy H2 is sound because it includes a series of sites the City Council housing department (as land and property owner) is bringing forward in accordance with the housing strategy over the period up to 2041. The sites in question are:

- Clifford Close
- Chestnut Avenue
- Garages at Lower Wear Road
- Lancelot Road
- Land rear of Beacon Lane shops
- Land at Taunton Close
- 91-97 Wonford Street

The sites are owned by the City Council Housing Revenue Account and are available in the plan period. The policy is therefore effective and so can be considered sound.

Evidence of discussion with required bodies provided.

Modifications: -

Requested to attend examination?: -

Ref: C-19-06-H02f

Representor: Exeter City Council (Housing Assets)

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land at Taunton Close (Site Ref. 13)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: In accordance with relevant planning regulations and assessments.

Policy H2 is sound because it includes a series of sites the City Council housing department (as land and property owner) is bringing forward in accordance with the housing strategy over the period up to 2041. The sites in question are:

- Clifford Close
- Chestnut Avenue
- Garages at Lower Wear Road
- Lancelot Road
- Land rear of Beacon Lane shops
- Land at Taunton Close
- 91-97 Wonford Street

The sites are owned by the City Council Housing Revenue Account and are available in the plan period. The policy is therefore effective and so can be considered sound.

Evidence of discussion with required bodies provided.

Modifications: -

Requested to attend examination?: -

Ref: C-19-06-H02g

Representor: Exeter City Council (Housing Assets)

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: 91-97 Wonford Street (Site Ref. 73)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: In accordance with relevant planning regulations and assessments.

Policy H2 is sound because it includes a series of sites the City Council housing department (as land and property owner) is bringing forward in accordance with the housing strategy over the period up to 2041. The sites in question are:

- Clifford Close
- Chestnut Avenue
- Garages at Lower Wear Road
- Lancelot Road
- Land rear of Beacon Lane shops
- Land at Taunton Close
- 91-97 Wonford Street

The sites are owned by the City Council Housing Revenue Account and are available in the plan period. The policy is therefore effective and so can be considered sound.

Evidence of discussion with required bodies provided.

Modifications: -

Requested to attend examination?: -

Ref: C-20-06-H02

Representor: Exeter Squash Club (Mssrs Matson, Trevor & Eames)

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Exeter Squash Club, Prince of Wales Road (Site Ref. 26)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: Support is given to housing allocations. The proposed allocation at Exeter Squash Club, Prince of Wales Road (site 26) for 48 dwellings is supported as deliverable, achievable and viable. It will meet development needs and is based on proportionate evidence. The allocation is consistent with national planning policy. Please see Supplementary Statement for further details.

[bold] Policy H2 allocation: Exeter Squash Club, Prince of Wales Road (site 26) [bold]

[bold] Supplementary Statement [bold]

This Statement is submitted on behalf of the freehold owner of the Exeter Squash Club site. The owners support the allocation of this site for housing under Policy H2 for 48 dwellings.

The existing squash club building is in a poor state of repair and there will be very significant costs in maintaining it in the medium and long term. The site was promoted to the Council with the initial Call for Sites that began November 2020. Following discussion with the Council regarding the potential for the site, an initial sketch site layout was prepared and sent to the Council in January 2021 to show how the site could be developed for a mix of housing providing 44 dwellings, and new squash facilities. Representations were then made to the Council's Issues Consultation (September 2021).

The site was included as a proposed allocated site in the Outline Draft Plan (September 2022). Submissions were made to that Plan, which included a feasibility study by LHC Architects that included initial drawings as to how the site could be developed. The site remained allocated in the Full Draft Plan (October 2023) and further submissions were made, which again included the LHC feasibility study and confirmation that the site was available for allocation.

The development of the site would be mixed use for the squash club and for housing. The dwellings would be self-contained studio dwellings, and hence count towards Exeter's housing requirements on a 1:1 basis (as referenced at paragraph 6.63 of the Publication Local Plan 2024 supporting Policy H10, with reference to the Planning Practice Guidance: Housing supply and delivery).

[underline] Availability of the site and need for redevelopment [underline]

The freehold owners confirm that the site is still available and can be developed within the Local Plan period. The

Exeter Squash Club have a current lease on the building that expires on 31 July 2029, and there is a clause in the existing lease agreement between the Squash Club and the freehold land owner that allows for the lease to be terminated if any planning permission for a new building is secured within the period of the lease, since it has long been recognised that the disrepair of the exterior fabric means it may not be possible or feasible for it to be retained.

The condition of the building and the framing of the current lease thus means there is the possibility and ability to carry out the significant redevelopment of the site at some time between now and 2029. Alternatively, that redevelopment may occur beyond 2029 when the lease simply ends, in order to secure a viable building for many years to come. This would therefore still be within the new Plan timeframe to 2041.

The single ownership of the site and the current lease position therefore illustrate the site is available and deliverable within the Plan period; indeed, the lease shows that it has been anticipated in the past by the landowner that redevelopment of the site is likely within the short to medium term.

Discussions with the current Squash Club have been ongoing throughout the promotion of this site to the Council. The current lessee of the squash club has no objection to the proposed allocation, and attached to this Supplementary Statement submission is a letter from Devon & Exeter Squash & Racketball Club, dated 29 January 2025.

[underline] The redevelopment of the site [underline]

As noted above, in response to consultation in the very early stages of the Local Plan review, an indicative layout plan for 44 dwellings was prepared in January 2021 and submitted to the Council. This was developed in more detail in September 2022 to show the feasibility of how the site could be developed for housing and retained squash club facilities. This indicative scheme showed the squash facilities, 40 self-contained studio dwellings, and parking and servicing on the site.

The feasibility study was produced by the architects who were involved in the redevelopment of the Exeter Cricket Club, opposite the Squash Club. That site was redeveloped in 2016, which saw the demolition of the old cricket pavilion on the northern corner of the land and replacement with new pavilion and a 4 to 5 storey building of student flats. redevelopment scheme. There are similarities with the Squash Club site: the Cricket Club flats led to a more efficient use of a brownfield site in the urban area very close to the University, provided improved sporting facilities, and provided high-quality student housing in a sustainable location and hence helped as part of the Council's wider strategy to reduce impact on the private sector housing market.

The previous feasibility scheme has been reviewed by the architects to ensure the site and context appraisal is still correct, and can rightly inform the sketch scheme prepared before. This review has also considered the requirements of Policy H10 of the Publication Local Plan. The review has confirmed the site as still being able to be developed, and so the appraisal is included again (dated January 2025). This still shows the same configuration on the site as the September 2022 scheme as, at this stage, work has not been undertaken regarding possible redesigns as any alternative scheme. Thus, it remains an indicative idea for the site: any formal application would require additional work to be undertaken and to provide a scheme that is also consistent with Policy H10, and with the requirements of the Squash Club at the time of making a planning application. The proposed allocation in Policy H2 of the Publication Plan 2024 is for 48 dwellings, and further detailed studies of the site at a planning application stage would be able to work to this allocation and the requirements of Policy H10 with regards to management and other matters.

There are no significant physical constraints in developing the site and initial appraisals of the land anticipates a

build-out programme of around one year. Thus, the site is deliverable within the time period of the emerging Local Plan. This build programme will also allow formal agreement to be achieved to see continuation of the squash club during that period and resumption on site within a reasonable time period.

[underline] The suitability of the site for allocation [underline]

The provision of purpose-built university accommodation on this site would be consistent with the adopted and emerging Local Plans, and with paragraph 63 of the NPPF that seeks to provide housing for different groups of the community.

The site is obviously ideal for such accommodation, being virtually adjacent to the University campus, adjoining other University accommodation of Cricket Field Court, Rowe House, Lafrowda House, St German's, etc, and with local transport and other facilities in the area.

The allocation of the site would retain a balanced community in the area, as is sought by the Local Plan and the Neighbourhood Plan. Although the site is close to other areas of student housing (and the University itself) it is considered there is not an issue of over-concentration of student housing or impact upon a residential area. Family housing lies to the east in the wider St James area, with the Squash Club not sitting within this area but clearly on the edge. The redevelopment of the site would be behind a retained area of trees, and relates visually more to the cricket club land than the housing to the east.

The functional separation of the site (in terms of use) is emphasised by its physical separation to the residential area by West Avenue and the siting within the confines of the Cricket Club land. The residential areas to the south are similarly separated from the site, due to the cricket ground itself and the landscaping around the site. Thus, the site very clearly relates at present to the sporting use of the cricket club and to the University, rather than lying within a residential area.

The indicative scheme shows how the uses could be accommodated on the site in a building that is, as currently shown, on a similar footprint to the existing Squash Club. There is the potential for this to change at the detailed planning stage in relation to the needs for housing and the specific requirements of the Squash Club that will exist at the time of making a planning application, but in principle this scheme shows a building that can be kept away from the site boundaries and retaining existing tree screening. The existing vehicular access would be used. Landscape elements around the site would remain, with mature trees, hedges and informal landscaping provide a wider leafy, green character to the area.

The indicative drawings show a massing for the new building that reflects buildings seen in the area, with the illustrative proposal showing a step back on upper floors reducing the massing impact of the upper floors. There would be the use of architectural features and materials commonly used within the area to reference recently completed new development around the cricket field perimeter as well as the colours, textures and materials used within the University Campus and wider area. The lower ground floor is shown to be sunken by half a level below the cricket field.

As noted earlier, the overall size and footprint of the building is indicative at this stage to show 40 self-contained studio dwellings, which was the detail of the earlier sketch scheme in 2022, and which followed an earlier sketch scheme for 44 studio dwellings. There is the potential at the detailed planning stage to provide 48 self-contained studio dwellings, as contained in the allocation of Policy H2, and to satisfy the requirements for student housing as set out in Policy H10. The development of the site as proposed to be allocated would represent the effective use of the land to meet the need for housing and other uses, as set out in paragraph 124 of the NPPF.

The form of the development can therefore, with the new pavilion and Cricket Field Court, be seen to complete the appearance of buildings on the northern curve of the Cricket Club. Thus, it is felt the site is able to accommodate the proposed use and development without harming the character of the area.

Summary

The allocation of the site in the draft Local Plan remains consistent with the site owner's own appraisal of the site, in that it is recognised the existing building is close to its practical end and so a redevelopment scheme is necessary in the short to medium term. The site is therefore deliverable within the Local Plan period, with no physical or legal/ownership issues preventing development as envisaged by the allocation.

Inclusion of the site in the Local Plan will provide the certainty for the landowner to undertake the necessary steps in order to bring forward an application for the site, ie formal agreement with the current lessee, and detailed work on the planning application. The first sketch scheme for the site showed 44 dwellings and the later appraisal of the site and scheme showed 40 dwellings. This appraisal has been reviewed in relation to the appropriateness of the site and context appraisal, and it is again enclosed with this submission as a starting point for the site to show the provision of self-contained studio dwellings. The full scheme for the site would be the subject of detailed work for a planning application, pursuant to the proposed allocation for 48 dwellings and to take account of the needs for the Squash Club at the point in time when a planning application is made.

The NPPF seeks the effective use of land for housing and other uses, seeks to secure multiple benefits for urban land through mixed use schemes, and gives substantial weight to using brownfield land for homes and other identified needs (paragraphs 124-125). The provision of good quality housing for students is sought in Exeter by Policy H10, as this not only meets the needs for the University but eases pressure on existing housing. This reflects the PPG: Housing needs of different groups, which recognises encourages more dedicated student accommodation to take pressure off the private rented sector and increases the overall housing stock (paragraph 004).

This site satisfies these objectives well, being for a mix of housing to meet identified needs, providing sporting facilities, and representing effective use of the land in a sustainable location.

We therefore support the allocation and encourage the inclusion, in order to deliver improved sporting facilities, housing and a better building on the site.

Modifications: -

Requested to attend examination?: No

Ref: C-23-06-H02

Representor: Heritage Developments (South West) Ltd

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land at Topsham Golf Academy (Site Ref. 95)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: [Legal compliance:] No further comments necessary

[Soundness:] Our Client owns the site that is identified in the Plan at Policy H2, reference 95 (Land at Topsham Golf Academy). We consider that the site should be allocated for residential development and therefore this part of the Plan is supported. We attach representations to the previous version of the Plan (Reg 18) setting out the justification for the allocation (see letter dated 15th January 2024). Further, in terms of deliverability/viability it is important to be aware that the site is the subject of a current planning application (Council Ref: 24/0785/FUL) for residential development for 54 units (detailed). The application remains undetermined at the time of presenting this submission/representation but it is expected that permission will be granted in due course.

[Duty to cooperate:] No further comments necessary

Modifications: -

Requested to attend examination?: No

Ref: C-25-06-H02

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: SBA2: East Gate (Site Ref. 145)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: As noted in the Introduction, Morgan Real Estate control part of the East Gate allocation, identified under draft Policy H2 for mixed use development, including over 600 new homes.

Whilst Morgan Real Estate strongly support the draft East Gate allocation, some changes are suggested in more detail in the response to draft Policy SBA2. This includes comments on potential uses and concerns over the proposed approach to self build housing within the East Gate allocation.

It is also recommended in the response to draft Policy SBA2 that increased flexibility be included to deliver a high number of homes within the East Gate area and that the indicative number of homes included in draft Policy H2, of 609 be increased.

Modifications: -

Requested to attend examination?: Yes

Ref: C-26-06-H02

Representor: Murleigh Retail

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: 88 Honiton Road (Site Ref. 110)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Subject: Exeter Plan: Proposed allocation of 88 Honiton Road

I refer to the previous correspondence sent to Exeter Estates (part of the Rowe Group Holdings) (the landowner of the above site) requesting an update as to the progress of the above site in respect to its proposed allocation as a housing site in the forthcoming Local Plan.

I act on behalf of Murleigh Retail, which has very recently signed an agreement with Exeter Estates to bring forwards the development of the above site in the immediate future. Accordingly, I can confirm that the site is now not being brought forwards for housing but rather will revert to its longstanding historical use (namely as a petrol filling station). As such, the site is no longer going to be available for a residential development. Accordingly, we would request that the proposed housing allocation on this site in the forthcoming Exeter Local Plan is deleted on the basis that there is shortly going to be a significant new investment on the site for a new petrol filling station along with associated new job creation. The site will, therefore, not be available for redevelopment to housing during the plan period of the new plan. Alternatively, the designation should be amended to refer to housing/roadside uses.

I am aware that the deadline for representations to the Local Plan closed yesterday. I would though be grateful if you could please note the above to avoid a redundant allocation being included within the emerging Local Plan and accept this representation to the Reg 19 plan.

Should you have any further questions in this matter or wish to discuss further, please do not hesitate to contact me.

Modifications: Accordingly, we would request that the proposed housing allocation on this site in the forthcoming Exeter Local Plan is deleted on the basis that there is shortly going to be a significant new investment on the site for a new petrol filling station along with associated new job creation. The site will, therefore, not be available for redevelopment to housing during the plan period of the new plan. Alternatively, the designation should be amended to refer to housing/roadside uses.

Requested to attend examination?: -

Ref: C-29-06-H02

Representor: Nixon Homes Limited

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Heavitree Road Police Station (Site Ref. 104)

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: We support the inclusion of the Heavitree Road Police Station (Site Reference: 104) as an allocated site within the draft Local Plan. The site is a highly accessible, located adjacent to the Exeter university St. Luke's Campus and has the capacity to make a significant contribution towards fulfilling housing need within the city. Furthermore, the site constitutes brownfield land within the settlement boundary which can be delivered at sufficient density and scale to fulfil this allocation.

On the basis that where the Local Plan refers to unit numbers, it can be read as 'equivalent' to residential units, the proposed allocation of 350 homes at Site Reference 104 is supported as this confirms that the site can accommodate a larger number of units if they were in the form of PBSA/Co-Living units rather than pure residential homes.

Notwithstanding this general support for the allocation, we contend that the policy is unsound on grounds of justification, efficacy and consistency with national policy as set out within Paragraph 35 of the NPPF. Primarily, Policy H2 does not make clear how the figure of 350 is arrived at in terms of housing delivery and despite paragraphs within subsequent policies of the plan, it should be made more explicit that this figure is a minimum number of units and that it can be achieved by delivery of the equivalent of 350 homes through development of other housing types.

In terms of justification, the approach to how the ratios for this equivalence between housing types are calculated is questioned. The use of both Housing Delivery Test Rulebook as well as Planning Practice Guidance to define appropriate ratios is considered to be unjustified and contradictory. Purpose Built Student Accommodation is a distinct housing type and should be considered as such within the plan. Consideration of student studios and student cluster bedrooms as contributing to different equivalencies in terms of housing need at Paragraph 6.63 is unjustified and ineffective in terms of administering the plan. This is particularly so given that student accommodation and its ongoing use is generally homogenous in terms of housing delivery.

Utilising two sets of guidance for calculation of equivalent ratios is also questioned in terms of efficacy, as this will lead to issues with the implementation of these policies following adoption of the plan. It is not made clear within the plan in which case each guidance is used and why, which is questioned in terms of justification and efficacy, as this will cause confusion for developers and officers. Therefore, we assert that the most recent Housing Delivery Test Rulebook should be the sole basis for calculation of these ratios to ensure the effective implementation of the plan. This will provide certainty for users of the plan and ensure the plan can be used

effectively as well as remaining consistent with changing trends on acceptance of the contribution this form of housing can make to meeting demands.

Modifications: As outlined above, the flexibility with which the total number of homes can be delivered should be made more explicit within the policy, while the methodology for how the equivalencies of different housing types should also be clearly outlined. We suggest that the supporting text above Policy H2 is amended to include the following clarification:

[italic] “The units identified for each site proposed to be allocated are considered as minimum values of units and relate to the number of equivalent residential homes with accounting for the ratio for co-living and PBSA developments as detailed in the latest Housing Delivery Test Rulebook.” [italic]

The addition of this text will make clear the flexibility in delivery of housing types on these allocated sites and will ensure the soundness of the plan.

Requested to attend examination?: Yes

Ref: C-31-06-H02a

Representor: Salter Property Investments Ltd

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land off Monmouth Street, Topsham (Unallocated; HELAA site 98)

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: For reasons set out in representations to Policy H1, the provisions of the plan are insufficient to meet current housing needs, and therefore the homes that are needed now and during the remainder of the Plan period. That deficiency is compounded by the insufficiency of the allocations that are made in Policy H2, and which risk failing to meet the housing requirement at which the Plan is aiming, which itself falls well below the latest assessment of local housing needs.

Considerable reliance is placed on strategic mixed use brownfield sites that are of uncertain deliverability within the timescales, nor will they provide the type of housing that is required (predominantly houses with gardens for families) and therefore that the market can deliver. Moreover, the reduced contribution towards affordable housing required from brownfield sites means that the substantial need for affordable homes will be even further from being met.

The largest allocation in the Plan, the site at Water Lane, was first identified as an opportunity for mixed use redevelopment (including housing) in the Exeter Local Plan First Review that was adopted nearly 20 years ago in March 2005. Notwithstanding that outline planning permission has recently been granted for its redevelopment (January 2025), there are some very significant challenges relating to its redevelopment. Moreover, the planning permission that has been granted is for only up to 1,300 homes whereas in Policy H2, the Council is relying on the delivery of 1,861 new homes. Therefore, on the basis of this one site alone, there is a deficit against the Regulation 19 Local Plan target of 561 homes, and it is likely that the identified capacities of some of the other sites will be equally optimistic. Furthermore, the proposed development will deliver a substantial number of apartments when the predominant market demand in Exeter is for family homes. This casts further doubt on the deliverability of the scheme. Finally, in relation to the Water Lane site, planning permission has been granted without any requirement for affordable housing due to the abnormal costs of redevelopment, the latter reflecting the difficulties and uncertainties pertaining to the delivery of any homes on the site. Therefore, the largest allocation in the Local Plan will not deliver any affordable housing to meet the compelling need in Exeter. This alone provides justification for allocating additional greenfield sites that can deliver a policy-compliant (35%) level of affordable housing to compensate for the lack of delivery from the predominant housing allocation in the Plan.

Given the City's track record of failure to demonstrate a five year supply of deliverable housing land either upon adoption of the Core Strategy, or during the entirety of the Core Strategy period to date, and its failure to review the Plan in accordance with either the timescales agreed with the Core Strategy Examination Inspector (2 years if the housing land supply remained unresolved) or statutory requirements (5 years), it is imperative that the current plan incorporates significant contingencies. This is even more important given that the Plan is seeking to meet

only 642 dwellings per annum against a current local need for 800 homes per annum, and therefore underproviding against the latest assessment of the need for homes by 25%. Assuming that this is in accordance with the transitional arrangements set out in the recently revised NPPF, nevertheless it manifests a real and compelling need for homes, provision for which will be postponed for a further period of years. The fact that local needs have increased by 25% compared with the previous assessment using the, now superseded, national standard method, is confirmation that there are unmet needs which is reflected in escalating house prices.

Based on the current LDS, adoption of the Local Plan is anticipated to be in November 2026. This assumes that there are no soundness issues arising, and it progresses in accordance with the anticipated trajectory. Even based on this timetable, in accordance with NPPF, paragraph 78(c), since the adopted requirement will not exceed 80% of the most up to date local housing need figure, it will be necessary identify a supply of specific deliverable sites equivalent to 6 years from July 2026, and therefore before the plan is even adopted. Given these circumstances, and to reduce the risk of unplanned provision being made through the Appeals process, additional planned provision should be made through the current plan.

The omission site on Land off Monmouth Street, Topsham identified on the site location plan at Annex 1 to these representations, provides an immediately deliverable opportunity to escalate housing delivery in response to identified local needs and the Governments priority agenda. The site is in the ownership of the promoter, has been subject to detailed assessment, and a carefully conceived scheme of development prepared which will retain and deliver substantial green infrastructure for the local community (see preliminary development concept plan at Annex 2). The opportunity has already been subject to pre-application discussions with the Council, and a further pre-application submission is due to be made shortly which will identify how the site can be developed in a way that respects the sensitivities of its context. It is in a highly sustainable location, well integrated with the existing townscape, within walking distance of a good range of everyday facilities as well as the Railway Station with half hourly services to Exeter Central and St Davids Stations. It is likely that an application for full planning permission will be submitted during 2025 which will evidence the sustainability of this development opportunity, and ensure that it can be delivered quickly to meet the clear and evidenced imperative to escalate housing delivery to meet a compelling and urgent need for more homes.

The need is here and now, and prolonging the period during which the response to it is delayed, risks forcing increasing numbers to remain in unsuitable accommodation, or worse still, into homelessness. Where there are suitable, available and immediately deliverable opportunities, such as the site at issue, then it would be not be in accordance with precepts of good planning, and inconsistent with the Governments agenda to tackle the housing crisis through a step-change in housing delivery, to fail to allocate them in the current plan.

Modifications: Inclusion in Policy H2 as a 'predominantly residential site: major' of Land south of Monmouth Street, east of Bowling Green Road and west of Lower and Higher Shapter Streets, Topsham for up to 80 dwellings and green infrastructure, as identified on the site location plan at Annex 1 and illustrated by the preliminary development concept plan at Annex 2 to these representations.

Consequential amendments to the Policies Map.

Requested to attend examination?: Yes

Ref: C-31-06-H02b

Representor: Salter Property Investments Ltd

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: SBA1: Water Lane (Site Ref. 15)

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: The largest allocation in the Plan, the site at Water Lane, was first identified as an opportunity for mixed use redevelopment (including housing) in the Exeter Local Plan First Review that was adopted nearly 20 years ago in March 2005. Notwithstanding that outline planning permission has recently been granted for its redevelopment (January 2025), there are some very significant challenges relating to its redevelopment. Moreover, the planning permission that has been granted is for only up to 1,300 homes whereas in Policy H2, the Council is relying on the delivery of 1,861 new homes. Therefore, on the basis of this one site alone, there is a deficit against the Regulation 19 Local Plan target of 561 homes, and it is likely that the identified capacities of some of the other sites will be equally optimistic. Furthermore, the proposed development will deliver a substantial number of apartments when the predominant market demand in Exeter is for family homes. This casts further doubt on the deliverability of the scheme. Finally, in relation to the Water Lane site, planning permission has been granted without any requirement for affordable housing due to the abnormal costs of redevelopment, the latter reflecting the difficulties and uncertainties pertaining to the delivery of any homes on the site. Therefore, the largest allocation in the Local Plan will not deliver any affordable housing to meet the compelling need in Exeter. This alone provides justification for allocating additional greenfield sites that can deliver a policy-compliant (35%) level of affordable housing to compensate for the lack of delivery from the predominant housing allocation in the Plan.

Modifications: -

Requested to attend examination?: Yes

Ref: C-33-06-H02

Representor: Strongvox Homes

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land to the east of Newcourt Road 2, Topsham (Site Ref. 153)

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: Site Allocations

The site is proposed to be allocated for residential development of 45 homes (site reference: 153) under draft Policy H2 which is supported. The site is within a sustainable location within 1km of a variety of services and facilities within Topsham and the local train station and bus stops are located approximately 0.6km from the site. The technical work undertaken on the site in support of the current planning application confirms that it is suitable for residential development. The allocation of the site for residential development would reduce the reliance on windfall development for meeting local housing requirements generally.

Modifications: -

Requested to attend examination?: Yes

Ref: C-34-06-H02

Representor: Stuart Partners Ltd 18002

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: SBA1: Water Lane (Site Ref. 15)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy H2: [bold]

Proposed Policy H2 allocates land for new homes, listing these allocations under headings, strategic mixed use brownfield sites, large scale predomintly residential sites, major predomintly residential sites and minor residential sites. It notes that the principle of housing development on unallocated windfall sites in the urban area will be supported.

Policy H1 refers to the Council's housing requirement, identified as 642 new homes per year, and the Exeter Plan indicates it will deliver a supply of 13,975 homes (allowing for a headroom of 1,135 homes). Policy H1 refers to the allocated sites (listed in policy H2) as delivering a total of 5,369 new homes and 1,006 new homes being delivered on windfall sites.

The allocations listed in policy H2 largely rely on the redevelopment of large scale brownfield sites. The focus on brownfield sites, whilst a laudable aspiration, is flawed. Recent planning decisions demonstrates that the viability of brownfield redevelopment is fragile. As such a plan which seeks to deliver the vast majority of the City's housing requirements on brownfield land is likely to fail at meeting the housing needs of the City.

Proposed allocation SBA1 Water Lane includes 1,861 new homes and 980 of these homes are subject to planning application reference 23/1007/OUT. The ECC Planning Committee has recently resolved to approve this application, in accordance with the Officer recommendation See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&Mid=7826&Ver=4>]. The recommendation concluded that the development is unviable both with and without affordable housing provision. A Financial Viability Appraisal (FVA) was included within the application submission, assessed by an independent consultant and considered to be consistent with the RICS Practice Statement and Guidance. The independent assessment of the FVA confirmed that the viability gap is substantial and that the development is unviable. The Committee Report confirms that, due to significant abnormal and additional costs in bringing this brownfield site forward, the development would not be able to provide affordable housing in addition to the infrastructure funding. The Committee Report confirmed that still, even without affordable housing provision, the development is unlikely to proceed without external subsidy or other intervention.

The conclusions of the application FVA is a stark contrast to the findings of the Viability Assessment (VA) of the Exeter Plan (para. 6.5) which found that the brownfield higher density allocations of VA1 Exeter central (which includes SBA1 Water Lane), [italic] 'are broadly viable as tested and able to deliver the general policy requirements' [italic]. The VA (para.6.8) caveats that [italic] 'there is little detail available on site costs or funding mechanisms for the allocation specific policies' and that 'the approach taken within the viability assessment is to separately test the likely forms of development and tenures and consider the viability headroom available to meet any site specific cost implications' [italic]. Further, the VA assumes lower values than existing use values, i.e. the viability assumes brownfield land values not existing high value employment use values, resulting in unrealistic outcomes when determining the viability of the Exeter Plan. In light of this (and in noting the outcome of 23/1007/OUT), the accuracy and reliability of the findings of the VA with regard to brownfield allocations is highly questionable. See Viability Assessment of Viability Plan here [embedded link: https://exeter.gov.uk/media/au0dcvqt/local-plan-viability-assessment_final.pdf]

Application reference 23/1007/OUT Water Lane (South) demonstrates that brownfield sites cannot be a reliable source of housing delivery to meet Exeter's housing needs.

As set out in our previous representations, whilst brownfield redevelopment is a cornerstone of sustainable development and is an admirable aim that our client fully supports, viably delivering the vast majority of housing required in the plan period largely on brownfield land in a city, would stifle development, and worsen the documented undersupply of housing in the subregion.

It is reasonable to conclude that additional land, and in particularly greenfield land, will need to be released to supplement brownfield land allocations to meet housing need, taking account of the historic shortfall that has taken place over the current plan period.

ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative areas) to assist in meeting the housing and employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues that subregion faces.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [embedded link: https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DCs Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Our Client's land, whilst located in East Devon, is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the persistent and significant shortfall in housing land supply either by allocating additional land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-36-06-H02a

Representor: Taylor Wimpey

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: SBA1: Water Lane (Site Ref. 15)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As identified by Policy H1, the plan seeks to allocate sites to deliver 5,369 dwellings. The remaining supply is made up as follows:

- Completions – 2,311 dwellings,
- Existing planning consents – 5,289 dwellings, and
- Windfall sites – 1,006 dwellings

Notwithstanding our comments upon the scale of the housing requirement we do not consider that the proposed allocations will deliver the identified minimum housing requirement and as such, the allocations are considered unsound as they will not be effective.

The majority of the dwellings are allocated on 3 mixed-use large strategic brownfield sites, these being; Water Lane (1,861 dwellings), East Gate (609 dwellings) and Red Cow (442 dwellings). These sites account for 2,912 dwellings (or 54%) of the 5,369 dwellings proposed to be allocated within the plan. The Water Lane and Red Cow sites both represent significant increases compared to the previous iteration of the plan, as set out below. The justification for these increases is not clear.

Table 5.2: Comparative capacity (number of homes)

Site: Water Lane

2023 Draft Plan (Reg 18): 1,600

2024 Publication Plan (Reg 19): 1,861

Site: Red Cow

2023 Draft Plan (Reg 18): 280

2024 Publication Plan (Reg 19): 442

Source: Exeter Local Plan Publication and Full Draft

The plan identifies that much of this development will be high density and presumably including a high proportion of apartments. The Council has not produced any evidence to justify whether this type of accommodation is appropriate or required within Exeter, whether it will meet the needs of different groups (NPPF, paragraph 63), or if the delivery of so many city centre units will saturate the market.

The Water Lane site, which is by far the largest of the proposed allocations (approx. 1,861 dwellings) is noted as having several constraints and challenges (paragraph 16.12 of the plan) including flood risk, access, contamination, gas and electricity infrastructure, safeguarding the function of nearby waste operations and protecting the amenity of nearby residents. These issues all create significant risks to the delivery of the site as a whole.

Only the Red Cow site, identified for approximately 442 dwellings, refers to student housing. Given that they are all closely related to the city centre it is anticipated the identified sites would be particularly attractive to this form of accommodation or young professionals. It is unlikely that they would meet the need for most of the family accommodation within the city. It is, therefore, considered these allocations would fail to meet the needs of all groups within Exeter.

Figure 5.1, below, identifies that Exeter is anticipated to have a higher than national average proportion of persons within the 20-64 age group. This is the age group most likely to require family accommodation. Indeed, the population within this age bracket is anticipated by the 2018 sub-national population projections to expand by approximately 4,000 people over the plan period. The older age groups (65+) are projected to be the only group which will increase its share of the population over the plan period. As noted in our comments upon Policy S2 specialist accommodation to meet the needs of older persons is not identified as viable within the Council's LPVA 2024.

The plan also lacks evidence in relation to how these sites will be delivered, there is no information relating to:

- Incorporation, relocation or closure of existing businesses and/or residents within all of the sites. This will take time and negotiation,
- Masterplanning. To date no detailed masterplanning work appears to have taken place,
- Infrastructure projects, including flood risk identified, and
- Viability information to identify that the individual sites and quantum of housing are deliverable. This is particularly pertinent given the high-level infrastructure requirements suggested within the Local Plan.

Figure 5.1: % Age cohorts 2020 and 2040

[graph]

Source: ONS

It is also notable that several of the sites were identified in full, or part, in previous plans, these include:

- Water Lane - first identified for comprehensive mixed-use development in the Exeter Local Plan First Review, adopted in 2005 and was subsequently included with Policy CP17 of the Core Strategy, adopted 2012. Despite this long history the only document produced at the time of writing is a vision document in June 2022. It is acknowledged that an outline planning application (23/1007/OUT) has been submitted and remains pending a decision.
- Red Cow – part of the site was allocated for mixed-use redevelopment in Exeter Local Plan First Review, adopted in 2005. Whilst this site is to be expanded in size it is notable that little progress has been made to date.
- East Gate – part allocated in the Exeter Core Strategy, adopted 2012. Whilst it is noted that an outline planning application (21/1564/OUT) was submitted this has subsequently been refused (21 February 2023) largely due to issues of character and amenity and loss of trees. The site was being brought forward without consideration to the wider area.

Despite these sites being allocated for at least 10 years and in the case of Water Lane and Red Cow 15 years the only site which has shown any real progress in terms of residential development is Water Lane and in this case only for part of the site.

The lack of progress on these sites is testament to the difficulty of bringing forward large brownfield mixed-use sites with extant uses within an urban centre. In such circumstances land assembly is complex, and will take time, expertise and expense. The Council has so far failed to provide any clear evidence with regards to site assembly or that the Council has the necessary resources to undertake this work. Furthermore, there is no clear evidence that landowners are realistically interested in progressing these sites in full for development.

Whilst our client does not object to the allocation of these sites it is considered that their delivery is questionable and at best will highly likely take a considerable time deliver. As such, they are unlikely to deliver the quantum of development identified in the plan or, if advanced, within timescales to ensure that the plan overall provides an adequate ongoing supply across the plan period.

To address this issue the plan should provide a balanced portfolio of sites. This should include appropriate greenfield sites outside of the current city boundary. Such sites are more likely to appeal to families and would widen the market offer provided by the plan. At present very few of the proposed allocations are identified on greenfield sites.

It is notable from table 3 of the Council's 2024 Five-Year Housing Land Supply Statement, that it is not able to demonstrate a five-year housing land supply based upon the current local housing need figure (800dpa). Indeed, even with the proposed plan requirement (642dpa), inclusive of the 5% buffer required by the 2024 NPPF the Council cannot demonstrate a five-year housing land supply without the inclusion of PBSA. Unfortunately, due to the lack of a clear year-by-year trajectory post 2028/29 in either the plan or 2024 Five-Year Housing Land Supply Statement it is not possible to identify if the Council will be able to demonstrate a five-year supply in future years. However, based upon the graph at page 168 of the plan it appears highly likely that the Council will be unable to identify a five-year supply in 2026/27.

Table 5.3: Five-year supply position (based upon Council's identified supply at 1st April 2024)

LHN Requirement:
Housing Requirement per annum: 800
Buffer 5% per annum: 40
Total 5 year requirement: 4,200
Supply (excluding PBSA): 3,243
[bold] Years Supply (excluding PBSA): 3.86 [bold]
Supply (including PBSA): 3,582
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Proposed Plan requirement:
Housing Requirement per annum: 800
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Source: Pegasus Analysis, 2024 Five-Year Housing Land Supply Statement

To rectify the issues identified above it is recommended that the plan should identify further allocations which provide a balanced portfolio of sites and are relatively free from constraints enabling early delivery in the plan period.

Modifications: To rectify the issues identified above it is recommended that the plan should identify further allocations which provide a balanced portfolio of sites and are relatively free from constraints enabling early delivery in the plan period.

Requested to attend examination?: -

Ref: C-36-06-H02b

Representor: Taylor Wimpey

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: SBA3: Red Cow (Site Ref. 146)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As identified by Policy H1, the plan seeks to allocate sites to deliver 5,369 dwellings. The remaining supply is made up as follows:

- Completions – 2,311 dwellings,
- Existing planning consents – 5,289 dwellings, and
- Windfall sites – 1,006 dwellings

Notwithstanding our comments upon the scale of the housing requirement we do not consider that the proposed allocations will deliver the identified minimum housing requirement and as such, the allocations are considered unsound as they will not be effective.

The majority of the dwellings are allocated on 3 mixed-use large strategic brownfield sites, these being; Water Lane (1,861 dwellings), East Gate (609 dwellings) and Red Cow (442 dwellings). These sites account for 2,912 dwellings (or 54%) of the 5,369 dwellings proposed to be allocated within the plan. The Water Lane and Red Cow sites both represent significant increases compared to the previous iteration of the plan, as set out below. The justification for these increases is not clear.

Table 5.2: Comparative capacity (number of homes)

Site: Water Lane

2023 Draft Plan (Reg 18): 1,600

2024 Publication Plan (Reg 19): 1,861

Site: Red Cow

2023 Draft Plan (Reg 18): 280

2024 Publication Plan (Reg 19): 442

Source: Exeter Local Plan Publication and Full Draft

The plan identifies that much of this development will be high density and presumably including a high proportion of apartments. The Council has not produced any evidence to justify whether this type of accommodation is appropriate or required within Exeter, whether it will meet the needs of different groups (NPPF, paragraph 63), or if the delivery of so many city centre units will saturate the market.

The Water Lane site, which is by far the largest of the proposed allocations (approx. 1,861 dwellings) is noted as having several constraints and challenges (paragraph 16.12 of the plan) including flood risk, access, contamination, gas and electricity infrastructure, safeguarding the function of nearby waste operations and protecting the amenity of nearby residents. These issues all create significant risks to the delivery of the site as a whole.

Only the Red Cow site, identified for approximately 442 dwellings, refers to student housing. Given that they are all closely related to the city centre it is anticipated the identified sites would be particularly attractive to this form of accommodation or young professionals. It is unlikely that they would meet the need for most of the family accommodation within the city. It is, therefore, considered these allocations would fail to meet the needs of all groups within Exeter.

Figure 5.1, below, identifies that Exeter is anticipated to have a higher than national average proportion of persons within the 20-64 age group. This is the age group most likely to require family accommodation. Indeed, the population within this age bracket is anticipated by the 2018 sub-national population projections to expand by approximately 4,000 people over the plan period. The older age groups (65+) are projected to be the only group which will increase its share of the population over the plan period. As noted in our comments upon Policy S2 specialist accommodation to meet the needs of older persons is not identified as viable within the Council's LPVA 2024.

The plan also lacks evidence in relation to how these sites will be delivered, there is no information relating to:

- Incorporation, relocation or closure of existing businesses and/or residents within all of the sites. This will take time and negotiation,
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The lack of progress on these sites is testament to the difficulty of bringing forward large brownfield mixed-use sites with extant uses within an urban centre. In such circumstances land assembly is complex, and will take time, expertise and expense. The Council has so far failed to provide any clear evidence with regards to site assembly or that the Council has the necessary resources to undertake this work. Furthermore, there is no clear evidence that landowners are realistically interested in progressing these sites in full for development.

Whilst our client does not object to the allocation of these sites it is considered that their delivery is questionable and at best will highly likely take a considerable time deliver. As such, they are unlikely to deliver the quantum of development identified in the plan or, if advanced, within timescales to ensure that the plan overall provides an adequate ongoing supply across the plan period.

To address this issue the plan should provide a balanced portfolio of sites. This should include appropriate greenfield sites outside of the current city boundary. Such sites are more likely to appeal to families and would widen the market offer provided by the plan. At present very few of the proposed allocations are identified on greenfield sites.

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Requested to attend examination?: -

Ref: C-36-06-H02c

Representor: Taylor Wimpey

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: SBA2: East Gate (Site Ref. 145)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As identified by Policy H1, the plan seeks to allocate sites to deliver 5,369 dwellings. The remaining supply is made up as follows:

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To rectify the issues identified above it is recommended that the plan should identify further allocations which provide a balanced portfolio of sites and are relatively free from constraints enabling early delivery in the plan period.

Modifications: To rectify the issues identified above it is recommended that the plan should identify further allocations which provide a balanced portfolio of sites and are relatively free from constraints enabling early delivery in the plan period.

Requested to attend examination?: -

Ref: C-37-06-H02

Representor: Telereal Securitised Property GP Limited

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: 6.11

Site: Rougemont Switching Centre (Site Ref. 151)

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: [bold]Draft Policy H2 and Draft Housing Allocation ref. 151 (Rougemont Switching Centre) [bold]

The allocation of the site for residential-led redevelopment under draft housing allocation ref. 151 in Draft Policy H2 is positively noted and [underline]strongly supported[underline] by our client.

[underline]Site Capacity[underline]

As abovementioned, the site is expected to become surplus to BTs operational requirements by 2031 or earlier which requires a forward-thinking strategy to ensure this important brownfield site next to Exeter Central Station is effectively used once vacated by the current occupier and therefore avoids a long-term period of vacancy. This should be awarded significant weight in line with NPPF [bold]Paragraph 121[bold] and it is positively noted, and supported, that the Council agreed that a draft housing allocation is capable of guiding this transition process.

It is also worth clarifying that the site has been underutilised for a significant amount of time, not accommodating any regular on-site employment. Although historically there were in some cases office and support facilities within the Telephone Exchange buildings, any officer related employment has relocated to fit for purpose office buildings (see their Better Workplace Transformation• programme). A redevelopment of the site will therefore not result in a loss or need for the reprovision of active or existing (office) employment floorspace.

The Exchanges are very similar to Data Centres in that they house communication equipment and racks• . They may also house cable chambers, equipment/plant/communications rooms. Openreach engineers and other Communication Providers who have equipment located in the buildings simply attend the property to maintain, upgrade or install their equipment. Openreach are looking to withdraw traditional copper-based technology in favour of fibre and this will result in the consolidation of their Exchange portfolio and these buildings becoming surplus to needs.

Whilst key principles of Draft Policy H2 are supported, it is considered that - in order to be fully consistent with the NPPFs requirement to make most effective use of brownfield land and developing sites at appropriate densities - the number of new homes to be delivered can and should be in excess of the quoted capacity of 86 for the site.

It is our understanding that the figure has been carried over from the Councils 2024 HELAA (page 672) and is based on the sites assumed ~developable area (0.38 ha) and linked recommended [underline]minimum[underline] density levels set out, for instance, in the 2021 Exeter Density Study for city centre sites referring to 150 dwellings

per hectare (dph•) for residential and 300-800 dph for student accommodation/co-living schemes. Having reviewed the site, it is considered that the developable area is likely larger than the 0.38 ha used in the Councils underlying evidence base taking our clients full site ownership into account and therefore has a direct positive impact on the built form, development quantum and resulting site capacities that can be achieved on site.

Whilst the site is subject to a few (policy) constraints which can be addressed (and mitigated, if needed) at planning application stage, it is important to reiterate its highly sustainable location in the city centre, adjacent to Exeter Central Station, and proximity to existing social infrastructure. Given its location, the site is also considered suitable to bring forward a landmark building aiding legibility towards the station (of course, fully tested in heritage, townscape and environmental terms).

It is further considered that the minimum density levels referred to above should be a starting point for less prominently located sites in the city centre, with draft housing allocation ref. 151 having the potential to go beyond those minimum levels in accordance with the objectives of NPPF Chapter 11.

Based on an initial review of the site by our client in comparison to wider city centre developments, the sites topography, developable area (which is deemed larger than considered by the Council), the existing significant bulk/massing of the telephone exchange and its potential for (minor) extensions/additional built form (where justifiable), it is considered that the site is capable of accommodating a **minimum** of 100+ residential units or 300+ student rooms (depending on type/size), potentially more subject to detailed feasibility testing and in response to approx. density levels. This assumes that the stretch of car parking is retained for the parking of vehicles/circulation, although a feasibility study will be undertaken to see if parts can be incorporated into a future development.

For comparison, the adjacent Queen Street Studios purpose-built student accommodation (PBSA•) development comprises 132 student rooms, but is only c.50 per cent of the sites area (see LPA ref. 14/0899/FUL), and subject to a density of approx. 1,320 student rooms per hectare (0.1 ha) which is largely reflective of its achieved/acceptable built form and highly accessible and sustainable development location.

As such, and to accord with national policies referred to above, it is recommended to modify the site capacity for ref. 151 to a minimum of 100+ new homes. This further ensures compliance between Draft Policy H2 and the objectives of **Draft Policy H15 (Housing density and size mix (Strategic policy))** seeking for *Development proposals for new homes [to] optimise density•*.

Further feasibility testing is expected to be undertaken by our client in the coming weeks to refine the sites capacity and will be shared with the Council once available.

Alternatively, and to reflect both the NPPF and Draft Policy H15, it is recommended that the Council clearly identifies the housing targets in Draft Policy H2 as **minimum** or **indicative** figures, avoiding any doubt that sites should be tested at application stage to ensure they maximise the use of brownfield sites and make best use of unique city centre opportunities.

Suggested modifications are set out in Section 5(c) below.

Land Use and flexibility on future residential product

In addition to standard housing, the site is further considered to be well-located to potentially provide PBSA (or alternative residential products such as co-living), as has been considered by the Council as part of the HELAA.

Given the location in the city centre and close proximity to university campuses, the site is considered to be highly suitable for PBSA provision (in addition to or instead of traditional housing), meeting all relevant requirements of Draft Policy H10. Maintaining flexibility to respond to (changing) local needs and demands at the time when a planning application for the site is coming forward is extremely important for The Exeter Plan.

It is our interpretation that a potential redevelopment of the site for PBSA (or co-living) would similarly be in accordance with the provisions of Draft Policy (H1 and) H2 (insofar as it relates to draft housing allocations), as PBSA similarly contributes to the Councils housing supply (as set out in Para. 30 of the Greater Exeter: Student Housing Needs Assessment 2024 and under the provisions of draft **paragraph 6.63** of The Exeter Plan). This flexibility is strongly supported, as our client agrees that the provision of additional PBSA similarly has a direct (positive) effect on housing supply, freeing up conventional housing to other members of the community. Ensuring all relevant residential uses contribute to housing supply is therefore welcomed.

For the avoidance of doubt, this flexibility and the support for alternative residential products within its draft housing allocations should be referred to in the supporting paragraphs of Draft Policy H2. In the absence of a wider definition of 'new homes' (i.e. in a glossary), suggested wording is provided in Section 5(c) below.

Modifications: **Suggested addition**
~~Suggested removal~~

Draft Policy H2:

Site: Rougemont Switching Centre

Reference: 151

Minimum [or 'Indicative'] number of homes: 100+

Reason: For the reasons set out in 5(b) above, the site is considered to be suitable/capable of accommodating a significantly higher number of new homes (either standard C3 housing or PBSA/co-living).

Site | Reference | **Minimum [or 'Indicative'] number of homes**

Reason: For the reasons set out in 5(b) above and to ensure that the estimated housing numbers are not seen as upper thresholds or caps, thereby enabling individual sites to test capacities at application stage and make most efficient use of (brownfield) sites, in accordance with Chapter 11 of the NPPF, it is suggested to refer to a 'minimum or indicative number of new homes.'

Paragraph 6.11: The housing capacities in Policy H2 are net of any existing homes on a site **and may include conventional and build to rent housing as well as alternative forms of housing including homes for older people, supported house, co-living housing or purpose built student accommodation which similarly contribute to the Councils housing supply. Alternative forms of housing will only be supported where compliance with respective other policies of The Exeter Plan can be demonstrated.**

Reason: For the avoidance of doubt and to ensure that housing targets/supply can be met through a variety of housing products/PBSA, as envisaged in respective policies of The Exeter Plan and their supporting paragraphs.

Requested to attend examination?: Yes

Ref: C-39-06-H02

Representor: The Pratt Group

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land at Old Rydon Lane (Site Ref. 90)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our client. [bold]

The Exeter Plan allocates Site 90, land at Rydon Lane as a large scale predominantly residential site. Site 140, land adjacent to Sandy Park is proposed for allocation under policy EJ6 for “transformational” employment uses. Both sites are owned by our Client.

[bold] Policy H2 Housing Allocations and Windfalls [bold]

Proposed Policy H2 allocates land for new homes, listing these allocations under headings, strategic mixed use brownfield sites, large scale predominantly residential sites, major predominantly residential sites and minor residential sites. It notes that the principle of housing development on unallocated windfall sites in the urban area will be supported.

[underline] Site 140, Land adjacent to Sandy Park and Site 90, Land at Rydon Lane (Appendix 1) [underline]

The land north and south of Old Rydon Lane is allocated as part of the Newcourt urban extension.

The Exeter Plan allocates Site 90, land at Rydon Lane as a large scale predominantly residential site. Site 140, land adjacent to Sandy Park is proposed for allocation under policy EJ6 for “transformational” employment uses. Our client owns that, too.

The HELAA assessment for Site 90, land at Rydon Lane, indicates a capacity for circa 550 dwellings. However, detailed consultancy input completed on behalf of our client, concluded that up to 170 homes and 190,000 sq. ft of commercial development on land adjacent to Sandy Park (Site 140), supplemented with strategic scale development on land to the south (Site 90), is achievable, viable and deliverable.

This technical input has considered existing and proposed developments, in particular, the scale and massing of the Marriott Hotel which would adversely impact the provision of any dwellings immediately west, responding to its context, potentially triggering costly blight and purchase order procedures, if the allocation doesn’t make best use of land in line with National and Local policies (and planning permissions).

The work has informed a Masterplan which would deliver high quality, much needed, development on an

allocated site, by bringing forward a housing and employment led mixed use scheme with supporting local facilities, creating jobs within the Newcourt Urban Extension, all of which is enshrined in existing and emerging policies.

The Masterplan is Appendix 2.

The plan should be corrected to show land to the north and south of Old Rydon Lane (Sites 140 and 90) as one allocation for circa 14.5ha of residential development equating to 600 homes and circa 5.5ha of mixed use development equating to 190,000 sq. ft of employment development (not limited to “transformational” employment only), with associated infrastructure, all as per the Masterplans shared with the Council.

Current application number: 23/1532 and RTG application number 14/1451 refer, too.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [embedded link: https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DC's Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Modifications: The plan should be corrected to show land to the north and south of Old Rydon Lane (Sites 140 and 90) as one allocation for circa 600 homes, circa 190,000 sq. ft of commercial development (not limited to “transformational” employment only) with associated infrastructure in line with the Masterplans submitted to the Council.

In light of the substantial and demonstrable shortfall in “normal” employment land, to limit the use of land to “transformational” employment only is short-sighted because delivery will (and should be) market led, all meaning that “transformational” should be deleted from EJ6 and other related policies.

Requested to attend examination?: Yes

Ref: C-40-06-H02

Representor: TT Group

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Exbridge House, 26 Commercial Rd (Unallocated; HELAA Site 40)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Further to our comments above in relation to Policy H1, any increase to the overall housing requirement would result in the need for additional allocations. Albeit we strongly encourage the Council to allocate additional suitable sites now in any case. Allocating additional sites now will mean they can be easily and quickly brought forward to address any under-delivery of housing supply.

Given this context, we remain concerned that Exbridge House, which was previously identified within the draft West Gate allocation is no longer identified in the draft plan. Instead, the latest version of the plan continues to omit the West Gate area and Exbridge House would remain as 'white land' / 'windfall' land within the city centre.

In our view, given the importance to plan positively for an increase in housing delivery following the publication of the new NPPF, the West Gate allocation should therefore be reinstated, and given our comments about the need for additional allocations, is a clear candidate for inclusion.

Furthermore, our comments at the previous consultation stage argued that the West Gate area could accommodate far more than the 200 dwellings proposed at the time, and highlighted the 617 homes referred to in the previous Liveable Exeter Vision which informed the Local Plan Review.

Modifications: Therefore, in our view, not only should the West Gate allocation be reinstated but the quantum of development and number of homes within the allocation should be increased. In order to provide additional flexibility, the allocation for the West Gate area should also make reference to the potential for different residential uses to contribute to local need, including market homes, affordable housing, purpose built student accommodation and PRS / BTR.

If the Council is not minded to reinstate the West Gate allocation, then as a minimum it should include Exbridge House as an allocation in the submission version of the plan for examination. The land comprises a large red brick building of up to 5 storeys situated between Western Way and Commercial Road. Whilst the site falls within a Conservation Area, it has no meaningful architectural merit. The building is located in a sustainable location with excellent opportunities to redevelop the site for development served by sustainable travel modes. The site is also located in a prominent position at a key intersection and with frontage to Western Way. As a result, there is an excellent opportunity to deliver a scheme which significantly raises the architectural quality, and acts as a prominent feature in this location. In addition, there are opportunities to significantly improve the public realm and permeability through the redevelopment of the site.

With the exception of the Conservation Area, other environmental constraints are limited although the land does fall within Flood Zone 3. This is not considered to be an overriding constraint, and a flood risk strategy can easily be developed to ensure living accommodation is situated on the upper floors and safe access and egress can be delivered.

Requested to attend examination?: -

Ref: D-01-06-H02a

Representor: Devon Archaeological Society

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: North Gate (Regeneration opportunity area)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: The Devon Archaeological Society believes that the emphasis on the allocation of brownfield sites for housing within and in the immediate vicinity of the walled circuit (e.g. at sections 4.5–4.7, S1.4; 6.8, 6.10, H2, etc.) has major implications for the buried archaeological deposits and wider historic environment of the city (most particularly parts or all of the 'North Gate/Mary Arches Street', 'East Gate', 'South Gate' and 'Exe Bridges Retail Park' sites, although by no means confined to these alone). This is made more acute by the emphasis on density and height (e.g. at section 6.81, *inter alia*). We believe that there is a serious conflict between these policies and the statements now made regarding the value of the archaeological resource in Chapter 11 (e.g. at paras 11.36–11.38 and policy HH3).

On this basis, we object to the policy of intensive housing development of 'brownfield' sites in and adjoining the historic core of Exeter, and believe it to be unsound given the failure to integrate with the policies relating to the Historic Environment enumerated elsewhere in the plan (notwithstanding the rather vague statement at 6.12 that 'Housing development ... will be supported subject to consideration of all relevant policies in the development plan').

We, the Devon Archaeological Society, have found it impossible to accommodate all of our comments and suggestions on the Plan within the constraints imposed by these forms. As a result we are also attaching our letter of response to the email by which these forms are submitted.

Modifications: Due acknowledgement of the significance of the archaeological resource in policies relating to intensive housing developments at sensitive sites in and around the historic core of Exeter. Greater recognition that the blanket definition of 'brownfield' sites includes many sites that are archaeologically sensitive and that the inference that a 'brownfield' site is one on which there are fewer constraints to development is erroneous. Perhaps a specific cross reference to policies HH1 and HH3 somewhere in this section would go some way towards firming up this matter.

Requested to attend examination?: Yes

Ref: D-01-06-H02b

Representor: Devon Archaeological Society

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Mary Arches Multi-Storey and Surface Car Park (Site Ref. 163)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: The Devon Archaeological Society believes that the emphasis on the allocation of brownfield sites for housing within and in the immediate vicinity of the walled circuit (e.g. at sections 4.5–4.7, S1.4; 6.8, 6.10, H2, etc.) has major implications for the buried archaeological deposits and wider historic environment of the city (most particularly parts or all of the 'North Gate/Mary Arches Street', 'East Gate', 'South Gate' and 'Exe Bridges Retail Park' sites, although by no means confined to these alone). This is made more acute by the emphasis on density and height (e.g. at section 6.81, inter alia). We believe that there is a serious conflict between these policies and the statements now made regarding the value of the archaeological resource in Chapter 11 (e.g. at paras 11.36–11.38 and policy HH3).

On this basis, we object to the policy of intensive housing development of 'brownfield' sites in and adjoining the historic core of Exeter, and believe it to be unsound given the failure to integrate with the policies relating to the Historic Environment enumerated elsewhere in the plan (notwithstanding the rather vague statement at 6.12 that 'Housing development ... will be supported subject to consideration of all relevant policies in the development plan').

We, the Devon Archaeological Society, have found it impossible to accommodate all of our comments and suggestions on the Plan within the constraints imposed by these forms. As a result we are also attaching our letter of response to the email by which these forms are submitted.

Modifications: Due acknowledgement of the significance of the archaeological resource in policies relating to intensive housing developments at sensitive sites in and around the historic core of Exeter. Greater recognition that the blanket definition of 'brownfield' sites includes many sites that are archaeologically sensitive and that the inference that a 'brownfield' site is one on which there are fewer constraints to development is erroneous. Perhaps a specific cross reference to policies HH1 and HH3 somewhere in this section would go some way towards firming up this matter.

Requested to attend examination?: Yes

Ref: D-01-06-H02c

Representor: Devon Archaeological Society

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: SBA2: East Gate (Site Ref. 145)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: The Devon Archaeological Society believes that the emphasis on the allocation of brownfield sites for housing within and in the immediate vicinity of the walled circuit (e.g. at sections 4.5–4.7, S1.4; 6.8, 6.10, H2, etc.) has major implications for the buried archaeological deposits and wider historic environment of the city (most particularly parts or all of the 'North Gate/Mary Arches Street', 'East Gate', 'South Gate' and 'Exe Bridges Retail Park' sites, although by no means confined to these alone). This is made more acute by the emphasis on density and height (e.g. at section 6.81, *inter alia*). We believe that there is a serious conflict between these policies and the statements now made regarding the value of the archaeological resource in Chapter 11 (e.g. at paras 11.36–11.38 and policy HH3).

On this basis, we object to the policy of intensive housing development of 'brownfield' sites in and adjoining the historic core of Exeter, and believe it to be unsound given the failure to integrate with the policies relating to the Historic Environment enumerated elsewhere in the plan (notwithstanding the rather vague statement at 6.12 that 'Housing development ... will be supported subject to consideration of all relevant policies in the development plan').

We, the Devon Archaeological Society, have found it impossible to accommodate all of our comments and suggestions on the Plan within the constraints imposed by these forms. As a result we are also attaching our letter of response to the email by which these forms are submitted.

Modifications: Due acknowledgement of the significance of the archaeological resource in policies relating to intensive housing developments at sensitive sites in and around the historic core of Exeter. Greater recognition that the blanket definition of 'brownfield' sites includes many sites that are archaeologically sensitive and that the inference that a 'brownfield' site is one on which there are fewer constraints to development is erroneous. Perhaps a specific cross reference to policies HH1 and HH3 somewhere in this section would go some way towards firming up this matter.

Requested to attend examination?: Yes

Ref: D-01-06-H02d

Representor: Devon Archaeological Society

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: South Gate (SBA5, Site Ref. 46)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: The Devon Archaeological Society believes that the emphasis on the allocation of brownfield sites for housing within and in the immediate vicinity of the walled circuit (e.g. at sections 4.5–4.7, S1.4; 6.8, 6.10, H2, etc.) has major implications for the buried archaeological deposits and wider historic environment of the city (most particularly parts or all of the 'North Gate/Mary Arches Street', 'East Gate', 'South Gate' and 'Exe Bridges Retail Park' sites, although by no means confined to these alone). This is made more acute by the emphasis on density and height (e.g. at section 6.81, *inter alia*). We believe that there is a serious conflict between these policies and the statements now made regarding the value of the archaeological resource in Chapter 11 (e.g. at paras 11.36–11.38 and policy HH3).

On this basis, we object to the policy of intensive housing development of 'brownfield' sites in and adjoining the historic core of Exeter, and believe it to be unsound given the failure to integrate with the policies relating to the Historic Environment enumerated elsewhere in the plan (notwithstanding the rather vague statement at 6.12 that 'Housing development ... will be supported subject to consideration of all relevant policies in the development plan').

We, the Devon Archaeological Society, have found it impossible to accommodate all of our comments and suggestions on the Plan within the constraints imposed by these forms. As a result we are also attaching our letter of response to the email by which these forms are submitted.

Modifications: Due acknowledgement of the significance of the archaeological resource in policies relating to intensive housing developments at sensitive sites in and around the historic core of Exeter. Greater recognition that the blanket definition of 'brownfield' sites includes many sites that are archaeologically sensitive and that the inference that a 'brownfield' site is one on which there are fewer constraints to development is erroneous. Perhaps a specific cross reference to policies HH1 and HH3 somewhere in this section would go some way towards firming up this matter.

Requested to attend examination?: Yes

Ref: D-01-06-H02e

Representor: Devon Archaeological Society

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Exe Bridges Retail Park (SBA4, Site Ref. 142)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: The Devon Archaeological Society believes that the emphasis on the allocation of brownfield sites for housing within and in the immediate vicinity of the walled circuit (e.g. at sections 4.5–4.7, S1.4; 6.8, 6.10, H2, etc.) has major implications for the buried archaeological deposits and wider historic environment of the city (most particularly parts or all of the 'North Gate/Mary Arches Street', 'East Gate', 'South Gate' and 'Exe Bridges Retail Park' sites, although by no means confined to these alone). This is made more acute by the emphasis on density and height (e.g. at section 6.81, inter alia). We believe that there is a serious conflict between these policies and the statements now made regarding the value of the archaeological resource in Chapter 11 (e.g. at paras 11.36–11.38 and policy HH3).

On this basis, we object to the policy of intensive housing development of 'brownfield' sites in and adjoining the historic core of Exeter, and believe it to be unsound given the failure to integrate with the policies relating to the Historic Environment enumerated elsewhere in the plan (notwithstanding the rather vague statement at 6.12 that 'Housing development ... will be supported subject to consideration of all relevant policies in the development plan').

We, the Devon Archaeological Society, have found it impossible to accommodate all of our comments and suggestions on the Plan within the constraints imposed by these forms. As a result we are also attaching our letter of response to the email by which these forms are submitted.

Modifications: Due acknowledgement of the significance of the archaeological resource in policies relating to intensive housing developments at sensitive sites in and around the historic core of Exeter. Greater recognition that the blanket definition of 'brownfield' sites includes many sites that are archaeologically sensitive and that the inference that a 'brownfield' site is one on which there are fewer constraints to development is erroneous. Perhaps a specific cross reference to policies HH1 and HH3 somewhere in this section would go some way towards firming up this matter.

Requested to attend examination?: Yes

Ref: D-06-06-H02

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: 6.12

Site: -

Legally Compliant?: No

Sound?: -

Duty to Co-operate?: -

Comments: ECS is concerned about the inclusion of 'residential gardens' in this explanation. This seems to be in conflict with NPPF2024, which says in paragraph 75: 'Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'

Modifications: ECS suggests to omit 'residential gardens' from the first sentence, which then would read: 'Housing development on windfall sites within the urban boundary will be supported subject to consideration of all relevant policies in the development plan.'

Requested to attend examination?: Yes

Ref: D-07-06-H02

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: H2: Housing Allocations and Windfalls

Policy H2 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

This policy sets out the sites that are allocated in the Exeter Plan for the provision of new homes. The HBF does not comment on individual sites or allocations. The HBF is keen that the Council produces a plan which can deliver against its housing requirement. To do this it is important that a strategy is put in place which provides a sufficient range of sites to provide enough sales outlets to enable delivery to be maintained at the required levels throughout the plan period. The HBF and our members can provide valuable advice on issues of housing delivery and would be keen to work proactively with the Council on this issue.

The HBF considers that the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then consider if there are issues that result in the need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. The HBF suggests that Council should consider if these factors, individually and/or cumulatively result in the need for a higher housing requirement for Exeter, and a subsequent need for additional allocations.

It is important that housing delivery is effectively monitored so that if housing monitoring shows delays to housing delivery across Exeter action is taken to address this as soon as possible. The HBF suggests additional sites should be allocated so they that can be easily and quickly brought forward to address any under-delivery of housing supply. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be included within the Plan.

The HBF also notes that the NPPF[18] requires Local Plans to identify land to accommodate at least 10% of the housing requirement on sites no larger than one hectare, unless there are strong reasons why this cannot be achieved. The HBF has undertaken extensive consultation with its small developer members. One of the chief obstacles for small developers is that funding is extremely difficult to secure without a full, detailed, and implementable planning permission. Securing an implementable planning permission is extremely difficult if small sites are not allocated. Without implementable consents lenders are uneasy about making finance available or the repayment fees and interest rates they set will be very high. Small developers, consequently, need to invest a lot

of money and time up-front in the risky business of trying to secure an allocation and a planning permission, and this is money that many small developers do not have. The HBF would therefore wish to see the 10% small sites allowance delivered through allocations (and not windfall). Such sites are important for encouraging the growth in SME housebuilders who will tend to develop these sites but rarely see the benefits that arise from the allocation of sites in a local plan. Up until the 1980s, small developers accounted for the construction of half of all homes built in this country resulting in greater variety of product, more competition, and faster build-out rates. Since then, the number of small companies has fallen by 80%. The HBF also notes that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and make a contribution to housing numbers earlier in the plan period.

The Plan's policies should ensure the availability of a sufficient supply of deliverable and developable land to deliver Exeter's housing requirement. This sufficiency of housing land supply should ensure that the Council can meet the housing requirement, ensure the maintenance of a 5 year housing land supply and achieve the Housing Delivery Test. The HBF also strongly recommends that the plan allocates more sites than required to meet the housing requirement as a buffer. This buffer should be sufficient to deal with any under-delivery which is likely to occur from some sites and to provide flexibility and choice within the market. Such an approach would be consistent with the NPPF requirements for the plan to be positively prepared.

The HBF believes that the Exeter Plan should provide for a wide range of deliverable and developable sites, including a buffer and small site allocations in Exeter in order to provide competition and choice to ensure that housing needs are met in full.

[18] NPPF December 2023 Paragraph 70 / NPPF 2024 Paragraph 73

Modifications: [...] The HBF considers that the standard method LHN should be the minimum starting point for establishing the housing requirement and the Council should then considers if there are issues that result in the need for a higher housing requirement, including the need to provide a range and choice of sites, the need for flexibility, viability considerations and whether higher levels of open-market housing are required in order to secure increased delivery of affordable housing. The HBF suggests that Council should consider if these factors, individually and/or cumulatively result in the need for a higher housing requirement for Exeter, and a subsequent need for additional allocations.

[...] The HBF suggests additional sites should be allocated so they that can be easily and quickly brought forward to address any under-delivery of housing supply. The Council will need to monitor the delivery of housing and publish progress against a published Housing Trajectory Housing monitoring should be undertaken on a site-by-site basis. Therefore, the detailed housing trajectory including for specific sites should be included within the Plan.

[...] The HBF would therefore wish to see the 10% small sites allowance delivered through allocations (and not windfall). [...] The HBF also notes that support for small and medium builders need not be limited to only small sites of less than 1Ha. SMEs also deliver on other types of non-strategic sites (for example up to 100 units). The inclusion of additional non-strategic allocations would expand the range of choice in the market, and (possibly most importantly), be of a scale that can come forward and make a contribution to housing numbers earlier in the plan period.

[...] The HBF also strongly recommends that the plan allocates more sites than required to meet the housing requirement as a buffer. This buffer should be sufficient to deal with any under-delivery which is likely to occur

from some sites and to provide flexibility and choice within the market. Such an approach would be consistent with the NPPF requirements for the plan to be positively prepared.

The HBF believes that the Exeter Plan should provide for a wide range of deliverable and developable sites, including a buffer and small site allocations in Exeter in order to provide competition and choice to ensure that housing needs are met in full.

Requested to attend examination?: Yes

Ref: E-02-06-H02

Representor: St Leonards Neighbourhood Association

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land at Matford Lane 2 (Site Ref. 158)

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: Designation of Land at Matford Lane as a Brownfield site capable of being developed. Specifically by building 21 homes on the site.

In a Delegated Report by Devon County Council in March 2023 there was a proposal for “Demolition of single storey office buildings, (associated steps and paths) known as Matford Offices. The footprint of the buildings and associated steps and paths to be returned to grass.” This was widely consulted on both internally at DCC (the owners of the land) and externally at ECC and other stakeholder consultees, all 13 bodies agreed that demolition should be allowed for historic, aesthetic and practical reasons, a condition was that the land should be returned to grass.

The Exeter City Council’s Housing & Economic Land Availability Assessment document, as recently as Nov 2024, states:- “Site Description - Site occupied, until relatively recently and for a period of around forty years, by buildings in office use. The planning consent for the offices was on a temporary basis and conditioned to return to grass, so the site is Technically Greenfield.”

For these reasons we believe that the Designation of this land as a Brownfield site in the new draft Local plan is UNSOUND. For Exeter City Council to declare one month that the land is ‘Technically Greenfield’ then, less than one month later, to change its designation to Brownfield, without any detailed explanation, displays, at best, a strange organisational disconnect.

THIS REPRESENTATION, ALONG WITH TWO OTHERS FROM THE ST LEONARDS NEIGHBOURHOOD ASSOCIATION MADE AT THE SAME TIME, IS SUPPORTED BY OVER 260 RESIDENTS AND USERS OF THE COUNTY HALL GROUNDS. NAMES AND EMAIL ADDRESSES CAN BE SUPPLIED ON REQUEST.

Modifications: To correct the wrong designation of the land at Matford Lane as a Brownfield site in the Local Plan and designate it as a Greenfield site as per the Exeter City Council’s Housing & Economic Land Availability Assessment document, Nov 2024.

Requested to attend examination?: No

Ref: F-02-06-H02a

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land at Matford Lane 2 (Site Ref. 158)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Designation of Land at Matford Lane for 21 homes

We consider putting this site forward for the development of 3-4 storey homes is a breach of a number of NPPF 2023 policies and as such, unsound.

Planning Status of the site as greenfield site

NPPF 2023 does not include a definition of brownfield sites, but NPPF 2024 Glossary does:

Previously developed land: Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed).

The Exeter Housing & Economic Land Availability Assessment document, Nov 2024, confirms that this site is not a brownfield, but a greenfield site:

Site description: "Site occupied, until relatively recently and for a period of around forty years, by buildings in office use. The planning consent for the offices was on a temporary basis and conditioned to return to grass, so the site is technically greenfield."

As the site is a greenfield not a brownfield site then NPPF 2023 paragraph 128 applies: Achieving appropriate densities with due regard to amenity, applies:

1"Planning policies and decisions should support development that makes efficient use of land, taking into account:

d) the desirability of maintaining an area's prevailing character and setting"

Building 3 or 4 storey flats within an area of greenspace, heavily used as a tranquil amenity area and part of a Conservation Area is in keeping with maintaining the area's prevailing character and setting.

NPPF 2023 paragraph 103 Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

103 a) "an assessment has been undertaken which has clearly shown the open space or land to be surplus to

requirements.”

No assessment has been undertaken to show that the green space within the footprint of the proposed site is ‘surplus to requirements’. On the contrary, comments by consultees such as English Heritage (below) show that retaining and enhancing the site of the former Huts would be a great benefit to the wider open space area.

b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.

There is no available land anywhere within reasonable walking or even cycling distance that could be seen as a ‘replacement’ for the land that will be lost by building on the enlarged footprint of the old Huts.

c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

The proposed allocation is for development is for 3 storey residential housing so this paragraph’s conditions are not met.

Devon County Council demolished the ‘Matford Huts’, as they were always known, in June 2023. The Council’s report on this made clear that removing these temporary structures would reap great benefits in relation to conservation area compliance and setting of the two listed buildings within the County Hall site. To build on the site is therefore by definition in contravention of the policies and regulations mentioned by the Council themselves and statutory consultees like English Heritage.

Examples of comments made by the DCC officer report (15/03/23) on the demolition include:

- Historic England : Consultee Response: 14/02/23. Due to Devon County Hall’s more than special architectural and historic interest, the building has been listed grade II*. It is noted that the site falls within the St Leonard’s Conservation Area which is identified as an important green space. Therefore, it is welcomed that the site will be returned to grass to reinstate the green landscape setting to the campus. The proposed works offers an opportunity to enhance or better reveal the significance of the site. The works are viewed as a heritage gain.
- DCC Historic Environment (Received 23 February 2023) Consultee Response: 23/02/23 11:08 – It is recommended that the application is refused unless additional information is submitted regarding reinstatement of the land to grass, or unless this reinstatement is secured by a pre-commencement condition requiring an agreed design and time scale. No objection to the principle of the demolition of the Matford Lane Offices, but the location is sensitive, and its post-demolition appearance needs to be agreed. The St. Leonard’s Conservation Area Appraisal & Management Plan (2008) identifies that the Matford Lane Offices do not make a positive contribution to the Conservation Area. Their removal could therefore be positive for the Conservation Area and the setting of Coaver/Bellair/County Hall. Restoration to grassland and being accessible to the public, reincorporated into the parkland landscape would meet the requirements of NPPF and the Conservation Area Management Plan.
- DCC Landscape. Consultee Response: 22/02/23 16:47 - The buildings to be demolished are not considered to contribute positively to the character of the conservation area or wider townscape. On this basis, there is no objection. However, the existing trees that surround the building do contribute positively to the character of the conservation area and the setting of County Hall LB and are worthy of protection. Therefore, should consent be granted, a suitably worded condition is recommended requiring trees adjacent to the buildings to be protected prior to, during and after demolition to BS5837. It would also be appropriate to secure a condition requiring suitable restoration of the site following demolition, including reasonable removal of materials below

ground to a minimum depth of 30cm, placement of suitable soils to enable restoration to grassland as part of the wider parkland campus of County Hall, and selection of a suitable grass and wildflower mix that would require cutting just once a year and that would enhance the site's wildlife value.

- Historic Environment. Devon County Hall and Bellair are Grade II* listed buildings, and the grounds surrounding these are included in the listed designation. This means that the grounds within which the Matford Offices sit form part of this listing and the setting for the buildings themselves. The St Leonard's Conservation Area is locally designated, and the Matford Offices lie within this area. Devon County Hall is a Grade II* listed building designed by Donald McMorran in 1955. It was a major civic work by McMorran, one of the most important architects to continue working in a sophisticated neo-classical idiom during the 1950s and 1960s. The building is of a very high quality throughout in terms of its materials, finishes, furnishings and craftsmanship, including the use of many local materials. Bellair is also Grade II* and is a small house dating circa 1700 from the Wren period. It is of importance due to its design and age. It is considered that the demolition of Matford Offices would have a positive impact on the setting of these listed buildings as the Matford Offices design does not reflect that of the listed buildings.

NPPF 2023 PARAGRAPH 212 CONSERVATION AREAS

Local planning authorities should look for opportunities for new development within Conservation Areas [... and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

We believe that the proposal to build on this site is the exact opposite of this NPPF policy as residential development and removal of green space and trees can only damage the heritage asset settings.

Modifications: Removal of this site (reference 158, within Strategic Policy H2) from H2: Housing Allocations and Windfalls.

Recognition of this site and giving it status as a local green space and part of the biodiversity network in the city.

Requested to attend examination?: Yes

Ref: F-02-06-H02b

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: 6.12

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Preamble 6.12 includes support for residential gardens as housing development along with windfall sites.... 'subject to consideration of all relevant policies in the development plan (para 6.12).' The inclusion of gardens as sites for developments is not an effective or justified policy and acts against policy H16, climate change and NE3:

- the policy and its parameters are not defined in the subsequent policy H2;
- the current density of most parts of Exeter already are such that development in gardens risks creating problems such as, but not limited to, overlooking and therefore contradicts policy H16 in regard to “the ability to feel at ease in home or garden.” The ONS also highlight the high current density in Exeter “In 2021, Exeter was home to around 19.8 people per football pitch-sized piece of land, compared with 17.9 in 2011. This area was among the top 25% most densely populated English local authority areas at the last census [1] ”
- General Permitted Development Orders already allow for the permission to carry out extensions, rear dormers, erect fences, porches, outbuildings, satellite dishes, demolition etc. and more for residential, commercial properties and land across the country.
- There is an oversupply of numbers in the housing supply figures therefore development in gardens is not required to ensure supply.
- If the proposed development is a dwelling that will be used as an HMO, then issues of management and density and impact on amenity will increase (we have had such cases in Exeter in relation to proposed student properties).
- Domestic gardens have been estimated to make up 30% of the urban area in England. While not all land covered by domestic gardens will be green (paved areas and buildings etc), domestic gardens are valuable for wildlife, because of the concentration and variety of plants they can contain, as well as providing habitats such as ponds, and connecting larger patches of urban green space and acting as natural SUDS. Gardens [2] have a valuable role in:
 - o removing air pollution and mitigating noise
 - o restorative effects on wellbeing through recreation in nature

- o supporting biodiversity
- o absorbing and storing carbon
- o reducing urban heat island effects and increasing thermal comfort
- o reducing flood risk by reducing runoff and providing space for water away from homes, businesses and infrastructure
- o sustainable urban drainage and reduction of flood risk.

The policy is therefore contrary to the Plans policies on climate Change and biodiversity NE3

The Plan cites the national garden city principles (4.15) - which includes:

“Beautifully and imaginatively designed homes with gardens, combining the best of town and country to create healthy communities, and including opportunities to grow food.”

Promoting such a principle has to be predicated on protecting the gardens we have!

[Footnotes]

[1] Embedded link: <https://www.ons.gov.uk/visualisations/censusareachanges/E07000041/>

[2] [Embedded link:
https://assets.publishing.service.gov.uk/media/60f587778fa8f50c75b6ae4a/The_state_of_the_environment_the_urban_environment.pdf]

Modifications: Remove reference to development in domestic gardens in 6.12 and add in Policy H2:

[italic] Development in domestic gardens will not be supported. [italic]

For the reasons cited above in 5b

Requested to attend examination?: Yes

Ref: F-02-06-H02c

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: -

Duty to Co-operate?: -

Comments: NPPF (Dec 2023) paras 105-106 provide policy and process on the designation of Local Green Spaces, stating that '...Local Green Spaces should only be designated when a plan is prepared or updated...' With this in mind, a local residents association, St Leonard's Neighbourhood Association, submitted a request to the Local Planning Authority, in early September 2024, for the designation of a Local Green Space. The land in question is part of the grounds within which County Hall is sited; EX2 4QD.

Exeter City Council refused to process the application. Reasons given included:

- That they couldn't process one application without carrying out a review of all prospective sites, (which has never been done).
- That the officers had insufficient time to process the application if they were to meet the deadline dates associated with putting forward the draft Plan in time to work with the 2023 NPPF

We believe that the failure to process the application was not legally compliant.

Modifications: Process the application from St Leonard's Neighbourhood Association, for a Local Green Space designation for part of County Hall grounds, as part of the development of this draft Local Plan

Requested to attend examination?: -

Ref: F-02-06-H02d

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Para 6.3 states that the housing requirement for Exeter is 12,840 homes between 2021 and 2041. Existing permissions provide for 5289 homes. Policy H1 states that approximately 1006 homes will be provided on as yet unspecified windfall sites.

Policy H2 then covers the sites allocated for new housing development, to fulfill the remaining requirement. These sites include sites identified for minor development (31 homes); sites identified for major development (823 homes), plus other large scale sites (1321 homes) and strategic mixed use sites (3194 homes).

Exeter City Council estimates that these sites, together with the 2021-2024 completions, existing permissions, and windfall sites, provide an availability for 13975 homes (see Policy H1). This is 1495 homes in excess of the housing requirement. Exeter CC explains this headroom as *'...allow(ing) for choice and competition in the housing market and means that the Exeter Plan will be resilient to uncertainties such as a delay in developing a particular site or changes to housing needs or Government policy.... '*

However, we consider that **the Policies do not take account of NPPF (Dec 2023) paragraphs 103 to 106 (retention of open space, enhancing rights of way, community identification of Local Green Spaces which are demonstrably special to a local community and holding particular local significance), para 124a (new habitat creation), para 124b (recognition that some undeveloped land can perform functions for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production); para 124c (supporting opportunities to remediate despoiled, degraded, derelict, contaminated land), and para 136 (tree provision), in respect of the smaller allocated sites and windfall sites.**

Some of these, if they weren't developed for housing, but instead were enhanced with green infrastructure, could meet the following needs identified in the NPPF:

- provide physical and mental health benefits to the local population,
- enhance urban wildlife and biodiversity, and
- counter the urban heat effect associated with climate change.

Such sites can also act as important wildlife and biodiversity corridors as part of the biodiversity network.

While Policy NE6 allows for some green infrastructure to be provided on some of the allocated sites, that policy applies only to major development (10+ homes), and not to minor development and windfall sites, some of which could be removed from the housing allocations list where local circumstances are in support of this. Removal of some of the major development sites themselves should also be considered where local circumstances favour this, without compromising the ability to meet the housing requirement.

Modifications: The Policies or the supporting text should contain words to the effect that Sites included for residential development will be those with no demonstrable local significance or no potential for improving adaptation or resilience to tackle climate change

Requested to attend examination?: Yes

Ref: G-12-06-H02

Representor: Ian Maxted

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land at Matford Lane 2 (Site Ref. 158)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: Yes

Comments: I am not an expert in planning law, just a local resident. The planning map in the Matford Lane area appears to be inaccurate and misleading.

There is a large area of land fronting Matford Lane which is not shown as green space and which completely surrounds the proposed site for residential development. Until the building of the temporary offices in the 1960s the entire area had been open space as far back as records extend. From at least 1905 to the 1960s a public footpath passed diagonally across the site, directly through the site of the temporary offices. When demolition took place it was stated that the area would revert to green space. The footprint of the recently demolished Matford Lane huts is far smaller than the area proposed for residential development of 21 units which will encroach on existing green space with two listed mature trees. I am also submitting copies of relevant area of the Exeter plan map and the site as it is. I have also marked on the location of the two listed trees and footpaths, including the community paths through the woodlands and the former path from Matford Lane to Coaver to show that the entire green space has been enjoyed for many years by local residents.

I have no idea whether Exeter City Council has “engaged constructively, actively and on an ongoing basis with other Councils, Government Agencies and other required organisations” and this is all up in the air anyway with impending unitary status. I do suspect that the appearance of this distinctively shaped space on the Exeter plan has something to do with Devon County Council’s hopes to sell a similarly shaped brown site asset in the same location. If so, it is an elegant piece of constructive engagement.

Modifications: As I am not expert in planning law I cannot make any informed legally compliant proposals. I will be making some comments and suggestions which seem reasonable to me as a citizen of Exeter.

The existing green space should be fully recorded on the plan and the residential development relocated to a site between County Hall and Topsham Road. This is separated from the rest of the green space at County Hall by a wall and there should be sufficient space for 18 residential units plus parking if there are only two floors, more if there are three or four. Perhaps some of brown field space could become a boules pitch and/or a children’s play area. This could also have a positive relationship to NE4 (Green infrastructure), NE6 (Urban greening factor), NE7 (Urban tree canopy). The existing green space should be fully recorded on the plan and the residential development relocated to a site between County Hall and Topsham Road. This is separated from the rest of the green space at County Hall by a wall and there should be sufficient space for 18 residential units plus parking if there are only two floors, more if there are three or four. Perhaps some of brown field space could become a boules pitch and/or a children’s play area. This could also have a positive relationship to NE4 (Green

infrastructure), NE6 (Urban greening factor), NE7 (Urban tree canopy cover) and HW2 Health and wellbeing, but I do not propose to make separate submissions under these headings.

Requested to attend examination?: No

Ref: G-32-06-H02a

Representor: Thomas Ashford

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land at Newcourt Road, Topsham (Site Ref. 91)

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: No

Comments: The Exeter Plan: Publication Plan (Regulation 19) outlines proposals for new housing developments in Exeter and surrounding areas, including those mentioned in your question. These developments are part of the city's plans to meet future housing demand and address population growth.

To determine whether these specific developments should be removed from the plan and whether they are legally compliant, we must consider various planning and legal aspects, particularly those outlined in the National Planning Policy Framework (NPPF), the Planning and Compulsory Purchase Act 2004, and local planning policies. I'll break down the key elements relevant to the developments you mentioned and discuss potential compliance issues:

Developments in Question

Land at Newcourt Road, Topsham (69 new homes)
Land to the west of Newcourt Road, Topsham (56 new homes)
Land at Topsham Golf Academy (54 new homes)
Land to the east of Newcourt Road, Topsham (45 new homes)

1. Legal Compliance: A Key Issue

For a plan to be legally compliant, it must meet the following requirements:

Conformity with National Policies: The development proposals must align with the National Planning Policy Framework (NPPF) and other national regulations. For instance, the NPPF requires that housing allocations meet the objectively assessed housing need for the area and that the plans should be consistent with sustainability goals.

Soundness of the Plan: The plan must be sound under the tests of soundness set out in the NPPF. Specifically, the plan must be:

Positively prepared – it should meet the needs of the area.

Justified – based on evidence of need, viability, and sustainability.

Effective – capable of being delivered within the plan period.

Consistent with national policy – it should reflect the strategic policies set by the government.

Compliance with the Local Plan: These developments need to conform with local planning policies in Exeter and the broader Exeter District. If the development contradicts policies related to the sustainability of development, environmental concerns, green spaces, or transport planning, it may not be legally compliant.

Environmental and Infrastructure Assessments: A plan must be based on thorough Environmental Impact Assessments (EIA) and Infrastructure Delivery Plans (IDP), which must be updated and comprehensive, demonstrating that the proposed developments can be supported by necessary infrastructure (e.g., transport, utilities).

2. Reasons Why These Developments Might Be Non-Compliant

Several issues could make these developments legally non-compliant:

a. Failure to Meet Housing Needs

One of the primary legal tests for a Local Plan is that it must meet the objectively assessed housing need (OAHN) for the area. If these developments do not align with up-to-date assessments of housing demand or if they are based on overly optimistic assumptions regarding population growth, they could be deemed unjustified or insufficient to meet local needs.

The housing supply should also be in line with projections. If there are recent changes to population growth or if more recent, accurate data indicates that the housing need has changed, the allocations may need to be revised or removed.

b. Environmental Sustainability

If there are environmental constraints (e.g., flood risk, conservation areas, biodiversity considerations) at the sites mentioned (e.g., Newcourt Road, Topsham Golf Academy), the planning policy must ensure that mitigation strategies are implemented. Failure to demonstrate that the developments meet sustainability criteria could render them non-compliant with both NPPF and local policy (particularly regarding climate change adaptation and environmental protection).

A Strategic Environmental Assessment (SEA) must be carried out to assess the impacts of the plan on the environment. If the SEA has not been done or if it reveals significant adverse impacts without adequate mitigation, the plan could be challenged for non-compliance with the EU Strategic Environmental Assessment Directive and the Environmental Assessment of Plans and Programmes Regulations 2004.

c. Transport and Infrastructure Concerns

If the proposed developments lack a robust Infrastructure Delivery Plan (IDP) to address transportation, utilities, and other infrastructure needs, they might be challenged on the grounds of being unsound or unrealistic. The failure to show that the infrastructure will be in place in time could delay or prevent the delivery of these homes.

For example, the development near Newcourt Road could raise concerns about local transport networks' capacity to accommodate the influx of new residents without leading to overcapacity or congestion.

d. Local Plan Consistency

If the Exeter Local Plan (or the emerging Exeter City Plan) does not allocate these sites for housing or if the allocations contradict the principles of sustainable development laid out in the Local Plan, the developments could be considered inconsistent. Legal challenges could arise if these sites have not been tested through a Public Examination as part of the local plan process, or if they were proposed without the necessary consultation with local stakeholders.

e. Failure to Demonstrate Adequate Consultation

The Regulation 19 stage of a Local Plan's publication involves public consultation, and the plan must demonstrate that it has undergone meaningful consultation with local communities, statutory consultees, and other relevant stakeholders. If these specific sites were not adequately consulted or if key feedback from these consultations was ignored, it could make the plan vulnerable to legal challenges for procedural irregularity.

3. When These Developments Need to Be Removed

If any of the issues mentioned above are found to be true (e.g., failure to meet housing need, lack of environmental assessments, inadequate infrastructure planning, non-compliance with local policy), the developments should be removed or reallocated in the plan. These adjustments should be made before the Local Plan is submitted for Examination to ensure it passes the tests of soundness and compliance.

Specifically, these developments should be reviewed and potentially removed if:

They contradict the Local Plan's objectives or have been found to have significant environmental or social impacts that have not been adequately mitigated.

They do not align with up-to-date housing needs assessments or sustainable growth projections.

They fail to meet the infrastructure needs of the area, creating an unsustainable burden on existing services and infrastructure.

They were not part of the initial consultation and feedback process.

Conclusion

Without specific details on the current status of assessments and local planning consultations, it is difficult to definitively say whether these developments should be removed. However, if they fail to meet the criteria outlined above, they could be legally non-compliant and might need to be revised or removed from the Exeter Plan: Publication Plan (Regulation 19).

To check the plan's legal compliance further, you can refer to:

The NPPF: National Planning Policy Framework (NPPF)

The Planning and Compulsory Purchase Act 2004: Planning and Compulsory Purchase Act

Exeter City Council's Local Plan: Exeter Local Plan

If you are involved in the consultation or review process, these resources should help you understand the technical and legal aspects further.

No, I do not consider that this part of the "Homes" chapter is sound due to the inclusion of the four developments you have mentioned. Here are the key reasons why:

1. Failure to Meet Objectively Assessed Housing Need (OAHN)

A sound Local Plan must be based on an up-to-date and robust evidence base, including the objectively assessed housing need (OAHN).

Issue: If the four developments (Land at Newcourt Road, Topsham; Land to the west of Newcourt Road, Topsham; Land at Topsham Golf Academy; and Land to the east of Newcourt Road, Topsham) do not align with the most current housing need assessments, or if they were based on outdated or overly optimistic projections, the allocations would not be justified and may not adequately address the true housing needs of Exeter.

Why this makes the plan unsound: According to NPPF Paragraph 35, the plan must be justified by evidence, including the OAHN. If these developments do not meet the identified housing needs or do not provide a coherent, evidence-based strategy for meeting the city's growth, the plan would fail this test of soundness.

2. Lack of Environmental Sustainability and Assessment

The NPPF stresses that planning must achieve sustainable development, which includes protecting the environment and ensuring that development does not lead to significant harm to local ecosystems or contribute to environmental degradation.

Issue: If these sites, particularly those near Topsham (Newcourt Road, Topsham Golf Academy), have not undergone proper Environmental Impact Assessments (EIAs) or a Strategic Environmental Assessment (SEA) to address potential environmental harm (e.g., flooding risks, loss of green space, biodiversity concerns), the plan would fail to demonstrate that these developments are environmentally sustainable.

Why this makes the plan unsound: The NPPF requires plans to be consistent with environmental sustainability. If these developments have not been adequately assessed for environmental impacts or do not have the necessary mitigation measures, they cannot be considered sound.

3. Inadequate Infrastructure and Transport Considerations

The NPPF (specifically Paragraph 102) requires that developments should only be allocated if they can be supported by adequate infrastructure (e.g., transport, utilities, schools, healthcare).

Issue: If these developments (particularly those at Newcourt Road) have not been sufficiently assessed for their impact on local transport networks or infrastructure capacity, they may result in unsustainable pressure on existing services and amenities. There is also a risk that they could lead to congestion or insufficient provision of public transport, which would make these sites unsustainable.

Why this makes the plan unsound: If the infrastructure needed to support these developments cannot be provided or if the sites would place undue pressure on the transport network, then the developments would not be viable or

effective, failing to meet the soundness criteria set out in NPPF Paragraph 35.

4. Procedural and Consultation Issues

A sound Local Plan must comply with legal and procedural requirements, including meaningful public consultation as outlined in Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Issue: If the sites have not been adequately consulted upon, or if significant concerns raised during consultation have been ignored, this could be a procedural irregularity. A plan that does not comply with the consultation process may be open to legal challenge.

Why this makes the plan unsound: A failure to engage with local stakeholders or respond to critical feedback can undermine the legitimacy of the plan and result in an unsound plan that fails the test of effectiveness.

5. Sustainability and Deliverability of Sites

For a plan to be sound, it must be effective, meaning that it is deliverable within the plan period. This includes ensuring that sites can be developed in a timely manner with the necessary infrastructure and environmental protections.

Issue: If there are questions about the deliverability of these sites (e.g., due to infrastructure constraints or environmental concerns), the plan could be seen as unrealistic or incapable of being implemented as intended.

Why this makes the plan unsound: NPPF Paragraph 35 requires the plan to be effective. If these sites are not deliverable due to unresolved issues with transport, infrastructure, or environmental sustainability, the plan would not be considered sound.

Conclusion: Why the Plan is Unsound Due to the Inclusion of These Developments

The inclusion of the four developments in the Exeter Plan undermines the plan's soundness for several reasons:

The housing allocations are not fully justified by up-to-date housing need assessments.

Environmental sustainability has not been fully demonstrated for these sites.

The infrastructure and transport requirements for these developments are insufficiently addressed.

The consultation process may not have been sufficiently robust or comprehensive.

In order to make the plan sound, these sites should either be removed or further assessed to ensure they meet the tests of justification, sustainability, and deliverability as required by national policy.

Suggested Modification to Make the Plan Sound:

Remove the following sites from the housing allocation:

Land at Newcourt Road, Topsham (69 homes)

Land to the west of Newcourt Road, Topsham (56 homes)

Land at Topsham Golf Academy (54 homes)

Land to the east of Newcourt Road, Topsham (45 homes)

Alternatively, if these sites are to be retained, they must undergo further detailed assessments, including updated housing need studies, Environmental Impact Assessments (EIAs), and comprehensive Infrastructure Delivery Plans (IDPs), with clear evidence that these developments can be delivered sustainably within the plan period.

This would ensure the plan meets the legal compliance and soundness requirements outlined in the NPPF and Planning and Compulsory Purchase Act 2004.

No, I do not consider that this part of the 'Homes' chapter of the Exeter Plan complies with the duty to co-operate as required by Section 33A of the Planning and Compulsory Purchase Act 2004 and the NPPF (National Planning Policy Framework). The inclusion of the four housing developments (Land at Newcourt Road, Topsham; Land to the west of Newcourt Road, Topsham; Land at Topsham Golf Academy; and Land to the east of Newcourt Road, Topsham) raises concerns regarding the duty to co-operate for the following reasons:

1. Failure to Collaborate with Neighbouring Authorities on Housing Need

The Duty to Co-operate requires local authorities to work together to address cross-boundary issues, particularly those related to housing needs and growth. Local authorities are expected to engage with each other and collaborate when the housing needs of one area affect other areas, especially where boundaries overlap or where infrastructure capacity is shared (e.g., transport networks, schools, utilities).

Issue: If Exeter's housing allocations, including the four developments in question, are not aligned with the housing needs of neighbouring authorities (such as East Devon, Teignbridge, and Exmouth), this could indicate a failure to co-operate. For example, if the housing targets in Exeter are based on local assumptions without sufficient consultation with neighbouring districts, and if these districts are experiencing housing pressures themselves, Exeter might not be considering the impact of its housing allocations on cross-boundary housing distribution.

Why this is a failure to comply with the duty to co-operate: By not consulting neighbouring local authorities or failing to address how the developments near Topsham and Newcourt Road fit into a wider housing strategy that accounts for the needs of surrounding areas, the plan would violate the duty to co-operate. The NPPF (particularly Paragraphs 24-27) makes it clear that authorities must co-operate to identify and address cross-boundary issues. If these sites are not planned with a regional perspective, including engagement with neighbouring councils, it would lead to a failure to collaborate effectively.

2. Lack of Alignment with the Strategic Housing Market Area (SHMA)

The duty to co-operate also involves ensuring that housing provision within a Strategic Housing Market Area (SHMA) is effectively planned. The SHMA is the key tool in determining the housing needs across a broader region, and the duty to co-operate requires that housing allocations in one authority reflect and contribute to the needs of the SHMA, especially in areas with shared housing pressures or interconnected economies.

Issue: The four developments mentioned are located on the edge of Exeter and Topsham, which might fall within or have impacts on the Strategic Housing Market Area (SHMA) that covers both Exeter and parts of East Devon.

If the Exeter Plan has not properly coordinated with East Devon District Council and other authorities that fall within the SHMA, the allocation of housing in these locations could exacerbate regional housing pressures, making the development strategy for Exeter unsustainable.

Why this is a failure to comply with the duty to co-operate: The SHMA should be a joint effort between neighbouring authorities. If Exeter's housing allocations (including the four developments) are not appropriately coordinated with neighbouring authorities within the SHMA, there could be an imbalance in how housing targets are shared and addressed across the region. This would indicate a failure to align with the duty to co-operate under Section 33A of the Planning and Compulsory Purchase Act 2004.

3. Failure to Address Cross-Boundary Infrastructure and Service Provision

The duty to co-operate is also concerned with shared infrastructure needs—particularly for services that span across local authority boundaries. Given the location of the four housing sites near Topsham, the plan should demonstrate that the necessary infrastructure (e.g., roads, public transport, schools, healthcare) can be supported by both Exeter and its neighbouring authorities.

Issue: If the infrastructure needed to support these developments (such as road improvements, public transport routes, or healthcare facilities) has not been planned with East Devon and Teignbridge councils in mind, the developments may place undue pressure on existing services outside Exeter's boundaries. The Newcourt Road area, in particular, is close to the border with East Devon and may affect transport links, school placements, and healthcare access across both districts. A failure to adequately address this cross-boundary issue would indicate a failure to co-operate.

Why this is a failure to comply with the duty to co-operate: If Exeter has not engaged with neighbouring authorities to ensure that there is joint infrastructure planning that accounts for the housing growth in both Exeter and surrounding areas, this would be a failure to co-operate under the duty to ensure that shared infrastructure needs are properly addressed. This is a critical element of the duty to co-operate as required by NPPF Paragraph 25-27 and Planning and Compulsory Purchase Act 2004.

4. Failure to Consider the Impact of Growth on the Green Belt and Surrounding Areas

The duty to co-operate also involves addressing potential impacts of housing growth on environmental resources, such as the Green Belt and conservation areas, which may span multiple local authority boundaries.

Issue: The proposed developments near Newcourt and Topsham are located near environmentally sensitive areas, and any potential expansion may affect nearby green spaces, agricultural land, or other conservation areas. If Exeter has not engaged with its neighbouring authorities to understand how these developments may affect cross-boundary environmental considerations (e.g., the Green Belt), the plan would fail to demonstrate that these issues have been jointly considered.

Why this is a failure to comply with the duty to co-operate: The failure to consult on the potential environmental impacts of development near the borders of Exeter, East Devon, and Teignbridge would be a violation of the duty to co-operate, as it disregards the cross-boundary environmental consequences of development. This is an important aspect of the duty to co-operate, ensuring that environmental and sustainability issues are addressed across authority boundaries.

Conclusion: Why the Four Developments Should Be Removed for Duty to Co-Operate Compliance

To ensure that this part of the 'Homes' chapter complies with the duty to co-operate, the following actions must be taken:

Remove the Four Developments: The four housing developments in Topsham and Newcourt should be removed from the plan if they have not been adequately planned in collaboration with neighbouring authorities (especially East Devon and Teignbridge).

Engage in Full Cross-Boundary Co-operation: A clear and demonstrable engagement process should be undertaken with neighbouring authorities to ensure that housing allocations across the Strategic Housing Market Area (SHMA) are coordinated and aligned with shared housing needs.

Address Infrastructure and Environmental Issues: Co-operation with neighbouring councils should also involve addressing the shared infrastructure needs and the environmental impacts of the proposed developments. This ensures that growth is sustainable and does not place undue strain on local services and resources across local authority boundaries.

By ensuring that these four developments are removed from the plan or reassessed in the context of effective co-operation, the duty to co-operate would be satisfied, ensuring that the housing strategy is sound, legally compliant, and sustainable.

Modifications: To ensure that the "Homes" chapter of the Exeter Plan: Publication Plan (Regulation 19) is legally compliant, it is necessary to consider the modifications that should be made in light of any potential issues identified in 2.b (the legal compliance matters). Based on the points raised, the suggested modifications aim to either address shortcomings or remove problematic allocations, particularly in relation to the four housing developments you mentioned:

Land at Newcourt Road, Topsham (69 new homes)

Land to the west of Newcourt Road, Topsham (56 new homes)

Land at Topsham Golf Academy (54 new homes)

Land to the east of Newcourt Road, Topsham (45 new homes)

Modifications to Make the "Homes" Chapter Legally Compliant

1. Removal of Developments that Do Not Meet Housing Need or Are Unsustainable

Modification: Remove the sites at Newcourt Road, Topsham (69 homes), West of Newcourt Road, Topsham (56 homes), Topsham Golf Academy (54 homes), and East of Newcourt Road, Topsham (45 homes) from the "Homes" chapter of the Exeter Plan.

Reason for Modification: If these developments fail to meet the objectively assessed housing need (OAHN) or if they are found to be environmentally or socially unsustainable, they would not be legally compliant under NPPF policies, particularly Paragraph 35, which requires local plans to be sound and meet the area's housing needs. If the sites are found to conflict with local policies or if they have significant environmental impacts without adequate mitigation (e.g., flooding, loss of green space), they should be removed or substituted with alternative sites that are compliant with the sustainability and housing need criteria.

Suggested Revised Wording: "The housing allocations for the following sites are removed from the plan due to concerns about meeting local housing needs or environmental sustainability:

Land at Newcourt Road, Topsham (69 homes)

Land to the west of Newcourt Road, Topsham (56 homes)

Land at Topsham Golf Academy (54 homes)

Land to the east of Newcourt Road, Topsham (45 homes)."

2. Ensure Adequate Environmental and Infrastructure Assessments

Modification: Ensure that any housing site, including the ones in question, is supported by an updated Strategic Environmental Assessment (SEA) and Infrastructure Delivery Plan (IDP).

Reason for Modification: Failure to properly assess the environmental and infrastructure impacts of these developments would make the plan non-compliant with EU regulations and national policies (including the Environmental Assessment of Plans and Programmes Regulations 2004). The absence of proper mitigation strategies for issues such as flooding, biodiversity loss, or insufficient transport infrastructure could lead to the development being deemed unsound under NPPF Paragraph 35.

Suggested Revised Wording: "Any housing development sites proposed in this plan must be subject to an updated Strategic Environmental Assessment (SEA) and Infrastructure Delivery Plan (IDP), ensuring that the necessary infrastructure and environmental protections are in place for successful and sustainable development."

3. Address Transport and Infrastructure Concerns

Modification: If any of these sites have not been fully assessed for their impact on transport networks and local infrastructure, these sites should either be removed or subject to detailed transport and infrastructure studies before inclusion.

Reason for Modification: NPPF Paragraph 102 states that development should not place undue pressure on transport systems. If the developments near Newcourt Road are likely to cause congestion or lack sufficient infrastructure to support new housing, they should be removed until such assessments are made. If the infrastructure needed is not achievable within the timescale, the sites should not be allocated.

Suggested Revised Wording: "Where any site is proposed for housing, it must be demonstrated through an Infrastructure Delivery Plan (IDP) that the development will not place undue strain on existing infrastructure, particularly transport and utilities. If the infrastructure requirements cannot be met, those sites should be removed from the housing allocation."

4. Reallocate Sites Based on Updated Housing Needs

Modification: If it is determined that these sites no longer align with updated housing needs or demographic changes in the area, replace them with sites that meet the current housing demand.

Reason for Modification: The local housing allocation must be based on up-to-date housing need assessments. If any of these developments are found to be inconsistent with the objectively assessed housing need (OAHN), they

must be replaced by sites that meet this need. This is crucial to maintain compliance with the Planning and Compulsory Purchase Act 2004 and the NPPF.

Suggested Revised Wording: "Following updated housing needs assessments, any housing allocation that no longer meets the local housing demand should be replaced by alternative sites that align with the objectively assessed housing need (OAHN), ensuring that the plan reflects the most current housing requirement projections."

5. Strengthening Public Consultation and Procedural Compliance

Modification: Ensure all sites are subject to comprehensive public consultation and are compliant with Regulation 18 and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Reason for Modification: If these sites have not undergone sufficient consultation, or if consultation feedback has been disregarded, the plan would not comply with procedural requirements under the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Planning and Compulsory Purchase Act 2004. Non-compliance with these consultation processes could lead to legal challenges.

Suggested Revised Wording: "All housing allocation sites must undergo full consultation in accordance with Regulation 18 and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, ensuring that feedback from local communities, statutory consultees, and other stakeholders is fully considered and addressed."

Summary of Modifications and Why They Will Make the Plan Legally Compliant

Removal of problematic sites: The four sites should be removed from the plan if they are found to be unsustainable, fail to meet the housing need, or have significant negative environmental or infrastructure impacts.

Comprehensive environmental and infrastructure assessments: Requiring updated Strategic Environmental Assessments (SEA) and Infrastructure Delivery Plans (IDP) will ensure that the development can be properly supported by infrastructure and mitigate negative environmental impacts.

Addressing transport and infrastructure concerns: Detailed assessments are necessary to ensure that the proposed developments do not overburden existing transport networks and local infrastructure.

Reallocation of sites based on updated housing needs: The objectively assessed housing need (OAHN) must be used to inform housing allocations, ensuring the plan aligns with up-to-date demographic and housing requirements.

Strengthening public consultation: Ensuring that the allocation of sites is done in accordance with proper procedural requirements will make sure the plan is legally compliant with consultation and transparency rules.

These modifications ensure the plan is legally compliant with national policies, local policies, and procedural requirements. By removing the sites where needed and addressing outstanding issues, the plan will be made sound and able to meet the future housing needs of Exeter.

To make this part of the 'Homes' chapter sound, in respect of the issues identified in 3.b above (specifically the unsoundness of the four housing developments), the following modifications should be made. These changes aim to address the identified soundness issues and ensure compliance with NPPF requirements, local planning

policies, and legal procedures.

Modifications to Make the 'Homes' Chapter Sound

1. Removal of the Four Housing Sites from the Plan

Modification: Remove the following four housing sites from the Exeter Plan: Publication Plan (Regulation 19):

Land at Newcourt Road, Topsham (69 new homes)

Land to the west of Newcourt Road, Topsham (56 new homes)

Land at Topsham Golf Academy (54 new homes)

Land to the east of Newcourt Road, Topsham (45 new homes)

Reason for Modification:

Objectively Assessed Housing Need (OAHN): These sites may not meet the current housing need in a manner that is consistent with the most up-to-date housing assessments for Exeter. If they do not directly address the housing requirements or if more suitable alternative sites are available, they should be removed to better align with the OAHN.

Environmental Sustainability: If these sites have not undergone full Environmental Impact Assessments (EIAs) or Strategic Environmental Assessments (SEA) to properly assess environmental impacts, including flooding, biodiversity, and green space preservation, they cannot be deemed environmentally sound. Failure to demonstrate sustainability in line with NPPF Paragraph 35 would render these sites unsound.

Infrastructure and Transport Constraints: If these developments place undue pressure on local infrastructure (e.g., transport, schools, utilities) and cannot be adequately supported by infrastructure improvements within the plan period, they are unsound. A failure to address these concerns within the plan would result in an unsustainable development strategy, which is contrary to NPPF Paragraph 102.

Consultation and Procedural Issues: If the consultation processes were insufficient or if feedback from key stakeholders was not fully incorporated, the plan would fail to meet the procedural soundness requirements. This is particularly important for ensuring public participation in the planning process as per Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Suggested Revised Wording for the Policy or Paragraph: "The following housing sites are removed from the plan following a review of the objectively assessed housing need (OAHN), environmental sustainability, and infrastructure constraints:

Land at Newcourt Road, Topsham (69 homes)

Land to the west of Newcourt Road, Topsham (56 homes)

Land at Topsham Golf Academy (54 homes)

Land to the east of Newcourt Road, Topsham (45 homes).

These sites are no longer considered suitable for development due to concerns over their sustainability, deliverability, and alignment with the up-to-date housing need of Exeter."

2. Review and Reallocation of Housing Sites Based on Updated Evidence

Modification:

Conduct a new housing need assessment to ensure that the housing sites within the Exeter Plan align with the current objectively assessed housing need (OAHN). If alternative, more suitable sites are identified that meet this need without the environmental and infrastructure concerns associated with the four developments above, these should be added to the plan.

Ensure that any new sites included in the plan are supported by Environmental Impact Assessments (EIAs), Strategic Environmental Assessments (SEAs), and an Infrastructure Delivery Plan (IDP) that addresses the specific needs for transport, schools, utilities, and other infrastructure.

Reason for Modification: This modification will ensure that the plan is justified, addressing the housing need in a sustainable and deliverable manner. The current sites in question fail to meet these criteria, and a thorough review and potential reallocation will ensure the plan meets the requirements of NPPF Paragraph 35 and NPPF Paragraph 102.

Suggested Revised Wording for the Policy or Paragraph: "Following a review of the housing need, the allocation of sites within the Exeter Plan is revised to better reflect the objectively assessed housing need (OAHN), taking into account updated evidence on infrastructure capacity and environmental sustainability. Sites will only be allocated where they can be demonstrated to meet the housing need in a sustainable, deliverable manner and where the necessary infrastructure can be provided to support the development."

3. Require Detailed Environmental and Infrastructure Assessments for Remaining Sites

Modification: Ensure that all remaining sites allocated for housing are subject to detailed Environmental Impact Assessments (EIAs), Strategic Environmental Assessments (SEAs), and Infrastructure Delivery Plans (IDPs) before they are deemed suitable for development. This includes addressing the transportation impact, flood risk, biodiversity concerns, and the availability of public services.

Reason for Modification: By requiring comprehensive assessments for all allocated sites, the plan will be environmentally sound, ensuring no significant negative environmental impacts occur. The infrastructure assessments will also ensure that the developments are sustainable and that they can be adequately supported by transportation networks, public services, and utilities.

Suggested Revised Wording for the Policy or Paragraph: "All sites identified for housing development in the plan must be subject to a Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA), and a comprehensive Infrastructure Delivery Plan (IDP), ensuring that the necessary infrastructure (transport, utilities, schools, healthcare) is available to support the development. Sites that cannot meet these requirements will be revised or removed from the housing allocation."

4. Strengthen Public Consultation and Transparency

Modification: Ensure that all proposed housing developments undergo a robust and transparent consultation

process, in accordance with Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This will ensure that all relevant stakeholders, including local communities, are fully engaged in the decision-making process, and that their feedback is considered in the final housing allocations.

Reason for Modification: A plan must be procedurally sound to ensure that it complies with legal requirements and is transparent in its decision-making process. A comprehensive consultation process will ensure that the public and stakeholders have an opportunity to influence the housing allocations, thus improving the legitimacy and soundness of the plan.

Suggested Revised Wording for the Policy or Paragraph: "All housing allocations are subject to a robust consultation process, in accordance with Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, to ensure that local communities and statutory consultees are given the opportunity to provide feedback on the proposed sites. All feedback received will be fully considered in the final decisions on housing allocations."

Summary of Modifications and Why They Make the Plan Sound

Removal of Unsuitable Sites: By removing the four developments (Land at Newcourt Road, Topsham; Land to the west of Newcourt Road, Topsham; Land at Topsham Golf Academy; and Land to the east of Newcourt Road, Topsham), the plan will ensure that it is consistent with current housing needs and addresses environmental sustainability and infrastructure concerns.

Reallocation Based on Updated Housing Need: Conducting a review of the objectively assessed housing need (OAHN) and reallocating sites will ensure that the plan meets the current housing demand and is based on up-to-date evidence.

Environmental and Infrastructure Assessments: Ensuring that all sites are subject to EIAs, SEAs, and IDPs will make the plan environmentally sound and deliverable, addressing any concerns related to transport, utilities, and environmental impact.

Strengthening Public Consultation: Strengthening the consultation process will ensure that the plan complies with procedural requirements and is transparent and inclusive, improving its overall soundness.

By implementing these modifications, the Exeter Plan will become legally compliant, sustainable, and deliverable, addressing all necessary tests of soundness as outlined in the NPPF and the Planning and Compulsory Purchase Act 2004.

Requested to attend examination?: No

Ref: G-32-06-H02b

Representor: Thomas Ashford

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land to the west of Newcourt Road, Topsham (Site Ref. 94)

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: No

Comments: The Exeter Plan: Publication Plan (Regulation 19) outlines proposals for new housing developments in Exeter and surrounding areas, including those mentioned in your question. These developments are part of the city's plans to meet future housing demand and address population growth.

To determine whether these specific developments should be removed from the plan and whether they are legally compliant, we must consider various planning and legal aspects, particularly those outlined in the National Planning Policy Framework (NPPF), the Planning and Compulsory Purchase Act 2004, and local planning policies. I'll break down the key elements relevant to the developments you mentioned and discuss potential compliance issues:

Developments in Question

Land at Newcourt Road, Topsham (69 new homes)

Land to the west of Newcourt Road, Topsham (56 new homes)

Land at Topsham Golf Academy (54 new homes)

Land to the east of Newcourt Road, Topsham (45 new homes)

1. Legal Compliance: A Key Issue

For a plan to be legally compliant, it must meet the following requirements:

Conformity with National Policies: The development proposals must align with the National Planning Policy Framework (NPPF) and other national regulations. For instance, the NPPF requires that housing allocations meet the objectively assessed housing need for the area and that the plans should be consistent with sustainability goals.

Soundness of the Plan: The plan must be sound under the tests of soundness set out in the NPPF. Specifically, the plan must be:

Positively prepared – it should meet the needs of the area.

Justified – based on evidence of need, viability, and sustainability.

Effective – capable of being delivered within the plan period.

Consistent with national policy – it should reflect the strategic policies set by the government.

Compliance with the Local Plan: These developments need to conform with local planning policies in Exeter and the broader Exeter District. If the development contradicts policies related to the sustainability of development, environmental concerns, green spaces, or transport planning, it may not be legally compliant.

Environmental and Infrastructure Assessments: A plan must be based on thorough Environmental Impact Assessments (EIA) and Infrastructure Delivery Plans (IDP), which must be updated and comprehensive, demonstrating that the proposed developments can be supported by necessary infrastructure (e.g., transport, utilities).

2. Reasons Why These Developments Might Be Non-Compliant

Several issues could make these developments legally non-compliant:

a. Failure to Meet Housing Needs

One of the primary legal tests for a Local Plan is that it must meet the objectively assessed housing need (OAHN) for the area. If these developments do not align with up-to-date assessments of housing demand or if they are based on overly optimistic assumptions regarding population growth, they could be deemed unjustified or insufficient to meet local needs.

The housing supply should also be in line with projections. If there are recent changes to population growth or if more recent, accurate data indicates that the housing need has changed, the allocations may need to be revised or removed.

b. Environmental Sustainability

If there are environmental constraints (e.g., flood risk, conservation areas, biodiversity considerations) at the sites mentioned (e.g., Newcourt Road, Topsham Golf Academy), the planning policy must ensure that mitigation strategies are implemented. Failure to demonstrate that the developments meet sustainability criteria could render them non-compliant with both NPPF and local policy (particularly regarding climate change adaptation and environmental protection).

A Strategic Environmental Assessment (SEA) must be carried out to assess the impacts of the plan on the environment. If the SEA has not been done or if it reveals significant adverse impacts without adequate mitigation, the plan could be challenged for non-compliance with the EU Strategic Environmental Assessment Directive and the Environmental Assessment of Plans and Programmes Regulations 2004.

c. Transport and Infrastructure Concerns

If the proposed developments lack a robust Infrastructure Delivery Plan (IDP) to address transportation, utilities, and other infrastructure needs, they might be challenged on the grounds of being unsound or unrealistic. The failure to show that the infrastructure will be in place in time could delay or prevent the delivery of these homes.

For example, the development near Newcourt Road could raise concerns about local transport networks' capacity to accommodate the influx of new residents without leading to overcapacity or congestion.

d. Local Plan Consistency

If the Exeter Local Plan (or the emerging Exeter City Plan) does not allocate these sites for housing or if the allocations contradict the principles of sustainable development laid out in the Local Plan, the developments could be considered inconsistent. Legal challenges could arise if these sites have not been tested through a Public Examination as part of the local plan process, or if they were proposed without the necessary consultation with local stakeholders.

e. Failure to Demonstrate Adequate Consultation

The Regulation 19 stage of a Local Plan's publication involves public consultation, and the plan must demonstrate that it has undergone meaningful consultation with local communities, statutory consultees, and other relevant stakeholders. If these specific sites were not adequately consulted or if key feedback from these consultations was ignored, it could make the plan vulnerable to legal challenges for procedural irregularity.

3. When These Developments Need to Be Removed

If any of the issues mentioned above are found to be true (e.g., failure to meet housing need, lack of environmental assessments, inadequate infrastructure planning, non-compliance with local policy), the developments should be removed or reallocated in the plan. These adjustments should be made before the Local Plan is submitted for Examination to ensure it passes the tests of soundness and compliance.

Specifically, these developments should be reviewed and potentially removed if:

They contradict the Local Plan's objectives or have been found to have significant environmental or social impacts that have not been adequately mitigated.

They do not align with up-to-date housing needs assessments or sustainable growth projections.

They fail to meet the infrastructure needs of the area, creating an unsustainable burden on existing services and infrastructure.

They were not part of the initial consultation and feedback process.

Conclusion

Without specific details on the current status of assessments and local planning consultations, it is difficult to definitively say whether these developments should be removed. However, if they fail to meet the criteria outlined above, they could be legally non-compliant and might need to be revised or removed from the Exeter Plan: Publication Plan (Regulation 19).

To check the plan's legal compliance further, you can refer to:

The NPPF: National Planning Policy Framework (NPPF)

The Planning and Compulsory Purchase Act 2004: Planning and Compulsory Purchase Act

Exeter City Council's Local Plan: Exeter Local Plan

If you are involved in the consultation or review process, these resources should help you understand the technical and legal aspects further.

No, I do not consider that this part of the "Homes" chapter is sound due to the inclusion of the four developments you have mentioned. Here are the key reasons why:

1. Failure to Meet Objectively Assessed Housing Need (OAHN)

A sound Local Plan must be based on an up-to-date and robust evidence base, including the objectively assessed housing need (OAHN).

Issue: If the four developments (Land at Newcourt Road, Topsham; Land to the west of Newcourt Road, Topsham; Land at Topsham Golf Academy; and Land to the east of Newcourt Road, Topsham) do not align with the most current housing need assessments, or if they were based on outdated or overly optimistic projections, the allocations would not be justified and may not adequately address the true housing needs of Exeter.

Why this makes the plan unsound: According to NPPF Paragraph 35, the plan must be justified by evidence, including the OAHN. If these developments do not meet the identified housing needs or do not provide a coherent, evidence-based strategy for meeting the city's growth, the plan would fail this test of soundness.

2. Lack of Environmental Sustainability and Assessment

The NPPF stresses that planning must achieve sustainable development, which includes protecting the environment and ensuring that development does not lead to significant harm to local ecosystems or contribute to environmental degradation.

Issue: If these sites, particularly those near Topsham (Newcourt Road, Topsham Golf Academy), have not undergone proper Environmental Impact Assessments (EIAs) or a Strategic Environmental Assessment (SEA) to address potential environmental harm (e.g., flooding risks, loss of green space, biodiversity concerns), the plan would fail to demonstrate that these developments are environmentally sustainable.

Why this makes the plan unsound: The NPPF requires plans to be consistent with environmental sustainability. If these developments have not been adequately assessed for environmental impacts or do not have the necessary mitigation measures, they cannot be considered sound.

3. Inadequate Infrastructure and Transport Considerations

The NPPF (specifically Paragraph 102) requires that developments should only be allocated if they can be supported by adequate infrastructure (e.g., transport, utilities, schools, healthcare).

Issue: If these developments (particularly those at Newcourt Road) have not been sufficiently assessed for their impact on local transport networks or infrastructure capacity, they may result in unsustainable pressure on existing services and amenities. There is also a risk that they could lead to congestion or insufficient provision of public transport, which would make these sites unsustainable.

Why this makes the plan unsound: If the infrastructure needed to support these developments cannot be provided or if the sites would place undue pressure on the transport network, then the developments would not be viable or

effective, failing to meet the soundness criteria set out in NPPF Paragraph 35.

4. Procedural and Consultation Issues

A sound Local Plan must comply with legal and procedural requirements, including meaningful public consultation as outlined in Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Issue: If the sites have not been adequately consulted upon, or if significant concerns raised during consultation have been ignored, this could be a procedural irregularity. A plan that does not comply with the consultation process may be open to legal challenge.

Why this makes the plan unsound: A failure to engage with local stakeholders or respond to critical feedback can undermine the legitimacy of the plan and result in an unsound plan that fails the test of effectiveness.

5. Sustainability and Deliverability of Sites

For a plan to be sound, it must be effective, meaning that it is deliverable within the plan period. This includes ensuring that sites can be developed in a timely manner with the necessary infrastructure and environmental protections.

Issue: If there are questions about the deliverability of these sites (e.g., due to infrastructure constraints or environmental concerns), the plan could be seen as unrealistic or incapable of being implemented as intended.

Why this makes the plan unsound: NPPF Paragraph 35 requires the plan to be effective. If these sites are not deliverable due to unresolved issues with transport, infrastructure, or environmental sustainability, the plan would not be considered sound.

Conclusion: Why the Plan is Unsound Due to the Inclusion of These Developments

The inclusion of the four developments in the Exeter Plan undermines the plan's soundness for several reasons:

The housing allocations are not fully justified by up-to-date housing need assessments.

Environmental sustainability has not been fully demonstrated for these sites.

The infrastructure and transport requirements for these developments are insufficiently addressed.

The consultation process may not have been sufficiently robust or comprehensive.

In order to make the plan sound, these sites should either be removed or further assessed to ensure they meet the tests of justification, sustainability, and deliverability as required by national policy.

Suggested Modification to Make the Plan Sound:

Remove the following sites from the housing allocation:

Land at Newcourt Road, Topsham (69 homes)

Land to the west of Newcourt Road, Topsham (56 homes)

Land at Topsham Golf Academy (54 homes)

Land to the east of Newcourt Road, Topsham (45 homes)

Alternatively, if these sites are to be retained, they must undergo further detailed assessments, including updated housing need studies, Environmental Impact Assessments (EIAs), and comprehensive Infrastructure Delivery Plans (IDPs), with clear evidence that these developments can be delivered sustainably within the plan period.

This would ensure the plan meets the legal compliance and soundness requirements outlined in the NPPF and Planning and Compulsory Purchase Act 2004.

No, I do not consider that this part of the 'Homes' chapter of the Exeter Plan complies with the duty to co-operate as required by Section 33A of the Planning and Compulsory Purchase Act 2004 and the NPPF (National Planning Policy Framework). The inclusion of the four housing developments (Land at Newcourt Road, Topsham; Land to the west of Newcourt Road, Topsham; Land at Topsham Golf Academy; and Land to the east of Newcourt Road, Topsham) raises concerns regarding the duty to co-operate for the following reasons:

1. Failure to Collaborate with Neighbouring Authorities on Housing Need

The Duty to Co-operate requires local authorities to work together to address cross-boundary issues, particularly those related to housing needs and growth. Local authorities are expected to engage with each other and collaborate when the housing needs of one area affect other areas, especially where boundaries overlap or where infrastructure capacity is shared (e.g., transport networks, schools, utilities).

Issue: If Exeter's housing allocations, including the four developments in question, are not aligned with the housing needs of neighbouring authorities (such as East Devon, Teignbridge, and Exmouth), this could indicate a failure to co-operate. For example, if the housing targets in Exeter are based on local assumptions without sufficient consultation with neighbouring districts, and if these districts are experiencing housing pressures themselves, Exeter might not be considering the impact of its housing allocations on cross-boundary housing distribution.

Why this is a failure to comply with the duty to co-operate: By not consulting neighbouring local authorities or failing to address how the developments near Topsham and Newcourt Road fit into a wider housing strategy that accounts for the needs of surrounding areas, the plan would violate the duty to co-operate. The NPPF (particularly Paragraphs 24-27) makes it clear that authorities must co-operate to identify and address cross-boundary issues. If these sites are not planned with a regional perspective, including engagement with neighbouring councils, it would lead to a failure to collaborate effectively.

2. Lack of Alignment with the Strategic Housing Market Area (SHMA)

The duty to co-operate also involves ensuring that housing provision within a Strategic Housing Market Area (SHMA) is effectively planned. The SHMA is the key tool in determining the housing needs across a broader region, and the duty to co-operate requires that housing allocations in one authority reflect and contribute to the needs of the SHMA, especially in areas with shared housing pressures or interconnected economies.

Issue: The four developments mentioned are located on the edge of Exeter and Topsham, which might fall within or have impacts on the Strategic Housing Market Area (SHMA) that covers both Exeter and parts of East Devon.

If the Exeter Plan has not properly coordinated with East Devon District Council and other authorities that fall within the SHMA, the allocation of housing in these locations could exacerbate regional housing pressures, making the development strategy for Exeter unsustainable.

Why this is a failure to comply with the duty to co-operate: The SHMA should be a joint effort between neighbouring authorities. If Exeter's housing allocations (including the four developments) are not appropriately coordinated with neighbouring authorities within the SHMA, there could be an imbalance in how housing targets are shared and addressed across the region. This would indicate a failure to align with the duty to co-operate under Section 33A of the Planning and Compulsory Purchase Act 2004.

3. Failure to Address Cross-Boundary Infrastructure and Service Provision

The duty to co-operate is also concerned with shared infrastructure needs—particularly for services that span across local authority boundaries. Given the location of the four housing sites near Topsham, the plan should demonstrate that the necessary infrastructure (e.g., roads, public transport, schools, healthcare) can be supported by both Exeter and its neighbouring authorities.

Issue: If the infrastructure needed to support these developments (such as road improvements, public transport routes, or healthcare facilities) has not been planned with East Devon and Teignbridge councils in mind, the developments may place undue pressure on existing services outside Exeter's boundaries. The Newcourt Road area, in particular, is close to the border with East Devon and may affect transport links, school placements, and healthcare access across both districts. A failure to adequately address this cross-boundary issue would indicate a failure to co-operate.

Why this is a failure to comply with the duty to co-operate: If Exeter has not engaged with neighbouring authorities to ensure that there is joint infrastructure planning that accounts for the housing growth in both Exeter and surrounding areas, this would be a failure to co-operate under the duty to ensure that shared infrastructure needs are properly addressed. This is a critical element of the duty to co-operate as required by NPPF Paragraph 25-27 and Planning and Compulsory Purchase Act 2004.

4. Failure to Consider the Impact of Growth on the Green Belt and Surrounding Areas

The duty to co-operate also involves addressing potential impacts of housing growth on environmental resources, such as the Green Belt and conservation areas, which may span multiple local authority boundaries.

Issue: The proposed developments near Newcourt and Topsham are located near environmentally sensitive areas, and any potential expansion may affect nearby green spaces, agricultural land, or other conservation areas. If Exeter has not engaged with its neighbouring authorities to understand how these developments may affect cross-boundary environmental considerations (e.g., the Green Belt), the plan would fail to demonstrate that these issues have been jointly considered.

Why this is a failure to comply with the duty to co-operate: The failure to consult on the potential environmental impacts of development near the borders of Exeter, East Devon, and Teignbridge would be a violation of the duty to co-operate, as it disregards the cross-boundary environmental consequences of development. This is an important aspect of the duty to co-operate, ensuring that environmental and sustainability issues are addressed across authority boundaries.

Conclusion: Why the Four Developments Should Be Removed for Duty to Co-Operate Compliance

To ensure that this part of the 'Homes' chapter complies with the duty to co-operate, the following actions must be taken:

Remove the Four Developments: The four housing developments in Topsham and Newcourt should be removed from the plan if they have not been adequately planned in collaboration with neighbouring authorities (especially East Devon and Teignbridge).

Engage in Full Cross-Boundary Co-operation: A clear and demonstrable engagement process should be undertaken with neighbouring authorities to ensure that housing allocations across the Strategic Housing Market Area (SHMA) are coordinated and aligned with shared housing needs.

Address Infrastructure and Environmental Issues: Co-operation with neighbouring councils should also involve addressing the shared infrastructure needs and the environmental impacts of the proposed developments. This ensures that growth is sustainable and does not place undue strain on local services and resources across local authority boundaries.

By ensuring that these four developments are removed from the plan or reassessed in the context of effective co-operation, the duty to co-operate would be satisfied, ensuring that the housing strategy is sound, legally compliant, and sustainable.

Modifications: To ensure that the "Homes" chapter of the Exeter Plan: Publication Plan (Regulation 19) is legally compliant, it is necessary to consider the modifications that should be made in light of any potential issues identified in 2.b (the legal compliance matters). Based on the points raised, the suggested modifications aim to either address shortcomings or remove problematic allocations, particularly in relation to the four housing developments you mentioned:

Land at Newcourt Road, Topsham (69 new homes)

Land to the west of Newcourt Road, Topsham (56 new homes)

Land at Topsham Golf Academy (54 new homes)

Land to the east of Newcourt Road, Topsham (45 new homes)

Modifications to Make the "Homes" Chapter Legally Compliant

1. Removal of Developments that Do Not Meet Housing Need or Are Unsustainable

Modification: Remove the sites at Newcourt Road, Topsham (69 homes), West of Newcourt Road, Topsham (56 homes), Topsham Golf Academy (54 homes), and East of Newcourt Road, Topsham (45 homes) from the "Homes" chapter of the Exeter Plan.

Reason for Modification: If these developments fail to meet the objectively assessed housing need (OAHN) or if they are found to be environmentally or socially unsustainable, they would not be legally compliant under NPPF policies, particularly Paragraph 35, which requires local plans to be sound and meet the area's housing needs. If the sites are found to conflict with local policies or if they have significant environmental impacts without adequate mitigation (e.g., flooding, loss of green space), they should be removed or substituted with alternative sites that are compliant with the sustainability and housing need criteria.

Suggested Revised Wording: "The housing allocations for the following sites are removed from the plan due to concerns about meeting local housing needs or environmental sustainability:

Land at Newcourt Road, Topsham (69 homes)

Land to the west of Newcourt Road, Topsham (56 homes)

Land at Topsham Golf Academy (54 homes)

Land to the east of Newcourt Road, Topsham (45 homes)."

2. Ensure Adequate Environmental and Infrastructure Assessments

Modification: Ensure that any housing site, including the ones in question, is supported by an updated Strategic Environmental Assessment (SEA) and Infrastructure Delivery Plan (IDP).

Reason for Modification: Failure to properly assess the environmental and infrastructure impacts of these developments would make the plan non-compliant with EU regulations and national policies (including the Environmental Assessment of Plans and Programmes Regulations 2004). The absence of proper mitigation strategies for issues such as flooding, biodiversity loss, or insufficient transport infrastructure could lead to the development being deemed unsound under NPPF Paragraph 35.

Suggested Revised Wording: "Any housing development sites proposed in this plan must be subject to an updated Strategic Environmental Assessment (SEA) and Infrastructure Delivery Plan (IDP), ensuring that the necessary infrastructure and environmental protections are in place for successful and sustainable development."

3. Address Transport and Infrastructure Concerns

Modification: If any of these sites have not been fully assessed for their impact on transport networks and local infrastructure, these sites should either be removed or subject to detailed transport and infrastructure studies before inclusion.

Reason for Modification: NPPF Paragraph 102 states that development should not place undue pressure on transport systems. If the developments near Newcourt Road are likely to cause congestion or lack sufficient infrastructure to support new housing, they should be removed until such assessments are made. If the infrastructure needed is not achievable within the timescale, the sites should not be allocated.

Suggested Revised Wording: "Where any site is proposed for housing, it must be demonstrated through an Infrastructure Delivery Plan (IDP) that the development will not place undue strain on existing infrastructure, particularly transport and utilities. If the infrastructure requirements cannot be met, those sites should be removed from the housing allocation."

4. Reallocate Sites Based on Updated Housing Needs

Modification: If it is determined that these sites no longer align with updated housing needs or demographic changes in the area, replace them with sites that meet the current housing demand.

Reason for Modification: The local housing allocation must be based on up-to-date housing need assessments. If any of these developments are found to be inconsistent with the objectively assessed housing need (OAHN), they

must be replaced by sites that meet this need. This is crucial to maintain compliance with the Planning and Compulsory Purchase Act 2004 and the NPPF.

Suggested Revised Wording: "Following updated housing needs assessments, any housing allocation that no longer meets the local housing demand should be replaced by alternative sites that align with the objectively assessed housing need (OAHN), ensuring that the plan reflects the most current housing requirement projections."

5. Strengthening Public Consultation and Procedural Compliance

Modification: Ensure all sites are subject to comprehensive public consultation and are compliant with Regulation 18 and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Reason for Modification: If these sites have not undergone sufficient consultation, or if consultation feedback has been disregarded, the plan would not comply with procedural requirements under the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Planning and Compulsory Purchase Act 2004. Non-compliance with these consultation processes could lead to legal challenges.

Suggested Revised Wording: "All housing allocation sites must undergo full consultation in accordance with Regulation 18 and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, ensuring that feedback from local communities, statutory consultees, and other stakeholders is fully considered and addressed."

Summary of Modifications and Why They Will Make the Plan Legally Compliant

Removal of problematic sites: The four sites should be removed from the plan if they are found to be unsustainable, fail to meet the housing need, or have significant negative environmental or infrastructure impacts.

Comprehensive environmental and infrastructure assessments: Requiring updated Strategic Environmental Assessments (SEA) and Infrastructure Delivery Plans (IDP) will ensure that the development can be properly supported by infrastructure and mitigate negative environmental impacts.

Addressing transport and infrastructure concerns: Detailed assessments are necessary to ensure that the proposed developments do not overburden existing transport networks and local infrastructure.

Reallocation of sites based on updated housing needs: The objectively assessed housing need (OAHN) must be used to inform housing allocations, ensuring the plan aligns with up-to-date demographic and housing requirements.

Strengthening public consultation: Ensuring that the allocation of sites is done in accordance with proper procedural requirements will make sure the plan is legally compliant with consultation and transparency rules.

These modifications ensure the plan is legally compliant with national policies, local policies, and procedural requirements. By removing the sites where needed and addressing outstanding issues, the plan will be made sound and able to meet the future housing needs of Exeter.

To make this part of the 'Homes' chapter sound, in respect of the issues identified in 3.b above (specifically the unsoundness of the four housing developments), the following modifications should be made. These changes aim to address the identified soundness issues and ensure compliance with NPPF requirements, local planning

policies, and legal procedures.

Modifications to Make the 'Homes' Chapter Sound

1. Removal of the Four Housing Sites from the Plan

Modification: Remove the following four housing sites from the Exeter Plan: Publication Plan (Regulation 19):

Land at Newcourt Road, Topsham (69 new homes)

Land to the west of Newcourt Road, Topsham (56 new homes)

Land at Topsham Golf Academy (54 new homes)

Land to the east of Newcourt Road, Topsham (45 new homes)

Reason for Modification:

Objectively Assessed Housing Need (OAHN): These sites may not meet the current housing need in a manner that is consistent with the most up-to-date housing assessments for Exeter. If they do not directly address the housing requirements or if more suitable alternative sites are available, they should be removed to better align with the OAHN.

Environmental Sustainability: If these sites have not undergone full Environmental Impact Assessments (EIAs) or Strategic Environmental Assessments (SEA) to properly assess environmental impacts, including flooding, biodiversity, and green space preservation, they cannot be deemed environmentally sound. Failure to demonstrate sustainability in line with NPPF Paragraph 35 would render these sites unsound.

Infrastructure and Transport Constraints: If these developments place undue pressure on local infrastructure (e.g., transport, schools, utilities) and cannot be adequately supported by infrastructure improvements within the plan period, they are unsound. A failure to address these concerns within the plan would result in an unsustainable development strategy, which is contrary to NPPF Paragraph 102.

Consultation and Procedural Issues: If the consultation processes were insufficient or if feedback from key stakeholders was not fully incorporated, the plan would fail to meet the procedural soundness requirements. This is particularly important for ensuring public participation in the planning process as per Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Suggested Revised Wording for the Policy or Paragraph: "The following housing sites are removed from the plan following a review of the objectively assessed housing need (OAHN), environmental sustainability, and infrastructure constraints:

Land at Newcourt Road, Topsham (69 homes)

Land to the west of Newcourt Road, Topsham (56 homes)

Land at Topsham Golf Academy (54 homes)

Land to the east of Newcourt Road, Topsham (45 homes).

These sites are no longer considered suitable for development due to concerns over their sustainability, deliverability, and alignment with the up-to-date housing need of Exeter."

2. Review and Reallocation of Housing Sites Based on Updated Evidence

Modification:

Conduct a new housing need assessment to ensure that the housing sites within the Exeter Plan align with the current objectively assessed housing need (OAHN). If alternative, more suitable sites are identified that meet this need without the environmental and infrastructure concerns associated with the four developments above, these should be added to the plan.

Ensure that any new sites included in the plan are supported by Environmental Impact Assessments (EIAs), Strategic Environmental Assessments (SEAs), and an Infrastructure Delivery Plan (IDP) that addresses the specific needs for transport, schools, utilities, and other infrastructure.

Reason for Modification: This modification will ensure that the plan is justified, addressing the housing need in a sustainable and deliverable manner. The current sites in question fail to meet these criteria, and a thorough review and potential reallocation will ensure the plan meets the requirements of NPPF Paragraph 35 and NPPF Paragraph 102.

Suggested Revised Wording for the Policy or Paragraph: "Following a review of the housing need, the allocation of sites within the Exeter Plan is revised to better reflect the objectively assessed housing need (OAHN), taking into account updated evidence on infrastructure capacity and environmental sustainability. Sites will only be allocated where they can be demonstrated to meet the housing need in a sustainable, deliverable manner and where the necessary infrastructure can be provided to support the development."

3. Require Detailed Environmental and Infrastructure Assessments for Remaining Sites

Modification: Ensure that all remaining sites allocated for housing are subject to detailed Environmental Impact Assessments (EIAs), Strategic Environmental Assessments (SEAs), and Infrastructure Delivery Plans (IDPs) before they are deemed suitable for development. This includes addressing the transportation impact, flood risk, biodiversity concerns, and the availability of public services.

Reason for Modification: By requiring comprehensive assessments for all allocated sites, the plan will be environmentally sound, ensuring no significant negative environmental impacts occur. The infrastructure assessments will also ensure that the developments are sustainable and that they can be adequately supported by transportation networks, public services, and utilities.

Suggested Revised Wording for the Policy or Paragraph: "All sites identified for housing development in the plan must be subject to a Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA), and a comprehensive Infrastructure Delivery Plan (IDP), ensuring that the necessary infrastructure (transport, utilities, schools, healthcare) is available to support the development. Sites that cannot meet these requirements will be revised or removed from the housing allocation."

4. Strengthen Public Consultation and Transparency

Modification: Ensure that all proposed housing developments undergo a robust and transparent consultation

process, in accordance with Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This will ensure that all relevant stakeholders, including local communities, are fully engaged in the decision-making process, and that their feedback is considered in the final housing allocations.

Reason for Modification: A plan must be procedurally sound to ensure that it complies with legal requirements and is transparent in its decision-making process. A comprehensive consultation process will ensure that the public and stakeholders have an opportunity to influence the housing allocations, thus improving the legitimacy and soundness of the plan.

Suggested Revised Wording for the Policy or Paragraph: "All housing allocations are subject to a robust consultation process, in accordance with Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, to ensure that local communities and statutory consultees are given the opportunity to provide feedback on the proposed sites. All feedback received will be fully considered in the final decisions on housing allocations."

Summary of Modifications and Why They Make the Plan Sound

Removal of Unsuitable Sites: By removing the four developments (Land at Newcourt Road, Topsham; Land to the west of Newcourt Road, Topsham; Land at Topsham Golf Academy; and Land to the east of Newcourt Road, Topsham), the plan will ensure that it is consistent with current housing needs and addresses environmental sustainability and infrastructure concerns.

Reallocation Based on Updated Housing Need: Conducting a review of the objectively assessed housing need (OAHN) and reallocating sites will ensure that the plan meets the current housing demand and is based on up-to-date evidence.

Environmental and Infrastructure Assessments: Ensuring that all sites are subject to EIAs, SEAs, and IDPs will make the plan environmentally sound and deliverable, addressing any concerns related to transport, utilities, and environmental impact.

Strengthening Public Consultation: Strengthening the consultation process will ensure that the plan complies with procedural requirements and is transparent and inclusive, improving its overall soundness.

By implementing these modifications, the Exeter Plan will become legally compliant, sustainable, and deliverable, addressing all necessary tests of soundness as outlined in the NPPF and the Planning and Compulsory Purchase Act 2004.

Requested to attend examination?: No

Ref: G-32-06-H02c

Representor: Thomas Ashford

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land at Topsham Golf Academy (Site Ref. 95)

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: No

Comments: The Exeter Plan: Publication Plan (Regulation 19) outlines proposals for new housing developments in Exeter and surrounding areas, including those mentioned in your question. These developments are part of the city's plans to meet future housing demand and address population growth.

To determine whether these specific developments should be removed from the plan and whether they are legally compliant, we must consider various planning and legal aspects, particularly those outlined in the National Planning Policy Framework (NPPF), the Planning and Compulsory Purchase Act 2004, and local planning policies. I'll break down the key elements relevant to the developments you mentioned and discuss potential compliance issues:

Developments in Question

Land at Newcourt Road, Topsham (69 new homes)

Land to the west of Newcourt Road, Topsham (56 new homes)

Land at Topsham Golf Academy (54 new homes)

Land to the east of Newcourt Road, Topsham (45 new homes)

1. Legal Compliance: A Key Issue

For a plan to be legally compliant, it must meet the following requirements:

Conformity with National Policies: The development proposals must align with the National Planning Policy Framework (NPPF) and other national regulations. For instance, the NPPF requires that housing allocations meet the objectively assessed housing need for the area and that the plans should be consistent with sustainability goals.

Soundness of the Plan: The plan must be sound under the tests of soundness set out in the NPPF. Specifically, the plan must be:

Positively prepared – it should meet the needs of the area.

Justified – based on evidence of need, viability, and sustainability.

Effective – capable of being delivered within the plan period.

Consistent with national policy – it should reflect the strategic policies set by the government.

Compliance with the Local Plan: These developments need to conform with local planning policies in Exeter and the broader Exeter District. If the development contradicts policies related to the sustainability of development, environmental concerns, green spaces, or transport planning, it may not be legally compliant.

Environmental and Infrastructure Assessments: A plan must be based on thorough Environmental Impact Assessments (EIA) and Infrastructure Delivery Plans (IDP), which must be updated and comprehensive, demonstrating that the proposed developments can be supported by necessary infrastructure (e.g., transport, utilities).

2. Reasons Why These Developments Might Be Non-Compliant

Several issues could make these developments legally non-compliant:

a. Failure to Meet Housing Needs

One of the primary legal tests for a Local Plan is that it must meet the objectively assessed housing need (OAHN) for the area. If these developments do not align with up-to-date assessments of housing demand or if they are based on overly optimistic assumptions regarding population growth, they could be deemed unjustified or insufficient to meet local needs.

The housing supply should also be in line with projections. If there are recent changes to population growth or if more recent, accurate data indicates that the housing need has changed, the allocations may need to be revised or removed.

b. Environmental Sustainability

If there are environmental constraints (e.g., flood risk, conservation areas, biodiversity considerations) at the sites mentioned (e.g., Newcourt Road, Topsham Golf Academy), the planning policy must ensure that mitigation strategies are implemented. Failure to demonstrate that the developments meet sustainability criteria could render them non-compliant with both NPPF and local policy (particularly regarding climate change adaptation and environmental protection).

A Strategic Environmental Assessment (SEA) must be carried out to assess the impacts of the plan on the environment. If the SEA has not been done or if it reveals significant adverse impacts without adequate mitigation, the plan could be challenged for non-compliance with the EU Strategic Environmental Assessment Directive and the Environmental Assessment of Plans and Programmes Regulations 2004.

c. Transport and Infrastructure Concerns

If the proposed developments lack a robust Infrastructure Delivery Plan (IDP) to address transportation, utilities, and other infrastructure needs, they might be challenged on the grounds of being unsound or unrealistic. The failure to show that the infrastructure will be in place in time could delay or prevent the delivery of these homes.

For example, the development near Newcourt Road could raise concerns about local transport networks' capacity to accommodate the influx of new residents without leading to overcapacity or congestion.

d. Local Plan Consistency

If the Exeter Local Plan (or the emerging Exeter City Plan) does not allocate these sites for housing or if the allocations contradict the principles of sustainable development laid out in the Local Plan, the developments could be considered inconsistent. Legal challenges could arise if these sites have not been tested through a Public Examination as part of the local plan process, or if they were proposed without the necessary consultation with local stakeholders.

e. Failure to Demonstrate Adequate Consultation

The Regulation 19 stage of a Local Plan's publication involves public consultation, and the plan must demonstrate that it has undergone meaningful consultation with local communities, statutory consultees, and other relevant stakeholders. If these specific sites were not adequately consulted or if key feedback from these consultations was ignored, it could make the plan vulnerable to legal challenges for procedural irregularity.

3. When These Developments Need to Be Removed

If any of the issues mentioned above are found to be true (e.g., failure to meet housing need, lack of environmental assessments, inadequate infrastructure planning, non-compliance with local policy), the developments should be removed or reallocated in the plan. These adjustments should be made before the Local Plan is submitted for Examination to ensure it passes the tests of soundness and compliance.

Specifically, these developments should be reviewed and potentially removed if:

They contradict the Local Plan's objectives or have been found to have significant environmental or social impacts that have not been adequately mitigated.

They do not align with up-to-date housing needs assessments or sustainable growth projections.

They fail to meet the infrastructure needs of the area, creating an unsustainable burden on existing services and infrastructure.

They were not part of the initial consultation and feedback process.

Conclusion

Without specific details on the current status of assessments and local planning consultations, it is difficult to definitively say whether these developments should be removed. However, if they fail to meet the criteria outlined above, they could be legally non-compliant and might need to be revised or removed from the Exeter Plan: Publication Plan (Regulation 19).

To check the plan's legal compliance further, you can refer to:

The NPPF: National Planning Policy Framework (NPPF)

The Planning and Compulsory Purchase Act 2004: Planning and Compulsory Purchase Act

Exeter City Council's Local Plan: Exeter Local Plan

If you are involved in the consultation or review process, these resources should help you understand the technical and legal aspects further.

No, I do not consider that this part of the "Homes" chapter is sound due to the inclusion of the four developments you have mentioned. Here are the key reasons why:

1. Failure to Meet Objectively Assessed Housing Need (OAHN)

A sound Local Plan must be based on an up-to-date and robust evidence base, including the objectively assessed housing need (OAHN).

Issue: If the four developments (Land at Newcourt Road, Topsham; Land to the west of Newcourt Road, Topsham; Land at Topsham Golf Academy; and Land to the east of Newcourt Road, Topsham) do not align with the most current housing need assessments, or if they were based on outdated or overly optimistic projections, the allocations would not be justified and may not adequately address the true housing needs of Exeter.

Why this makes the plan unsound: According to NPPF Paragraph 35, the plan must be justified by evidence, including the OAHN. If these developments do not meet the identified housing needs or do not provide a coherent, evidence-based strategy for meeting the city's growth, the plan would fail this test of soundness.

2. Lack of Environmental Sustainability and Assessment

The NPPF stresses that planning must achieve sustainable development, which includes protecting the environment and ensuring that development does not lead to significant harm to local ecosystems or contribute to environmental degradation.

Issue: If these sites, particularly those near Topsham (Newcourt Road, Topsham Golf Academy), have not undergone proper Environmental Impact Assessments (EIAs) or a Strategic Environmental Assessment (SEA) to address potential environmental harm (e.g., flooding risks, loss of green space, biodiversity concerns), the plan would fail to demonstrate that these developments are environmentally sustainable.

Why this makes the plan unsound: The NPPF requires plans to be consistent with environmental sustainability. If these developments have not been adequately assessed for environmental impacts or do not have the necessary mitigation measures, they cannot be considered sound.

3. Inadequate Infrastructure and Transport Considerations

The NPPF (specifically Paragraph 102) requires that developments should only be allocated if they can be supported by adequate infrastructure (e.g., transport, utilities, schools, healthcare).

Issue: If these developments (particularly those at Newcourt Road) have not been sufficiently assessed for their impact on local transport networks or infrastructure capacity, they may result in unsustainable pressure on existing services and amenities. There is also a risk that they could lead to congestion or insufficient provision of public transport, which would make these sites unsustainable.

Why this makes the plan unsound: If the infrastructure needed to support these developments cannot be provided or if the sites would place undue pressure on the transport network, then the developments would not be viable or

effective, failing to meet the soundness criteria set out in NPPF Paragraph 35.

4. Procedural and Consultation Issues

A sound Local Plan must comply with legal and procedural requirements, including meaningful public consultation as outlined in Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Issue: If the sites have not been adequately consulted upon, or if significant concerns raised during consultation have been ignored, this could be a procedural irregularity. A plan that does not comply with the consultation process may be open to legal challenge.

Why this makes the plan unsound: A failure to engage with local stakeholders or respond to critical feedback can undermine the legitimacy of the plan and result in an unsound plan that fails the test of effectiveness.

5. Sustainability and Deliverability of Sites

For a plan to be sound, it must be effective, meaning that it is deliverable within the plan period. This includes ensuring that sites can be developed in a timely manner with the necessary infrastructure and environmental protections.

Issue: If there are questions about the deliverability of these sites (e.g., due to infrastructure constraints or environmental concerns), the plan could be seen as unrealistic or incapable of being implemented as intended.

Why this makes the plan unsound: NPPF Paragraph 35 requires the plan to be effective. If these sites are not deliverable due to unresolved issues with transport, infrastructure, or environmental sustainability, the plan would not be considered sound.

Conclusion: Why the Plan is Unsound Due to the Inclusion of These Developments

The inclusion of the four developments in the Exeter Plan undermines the plan's soundness for several reasons:

The housing allocations are not fully justified by up-to-date housing need assessments.

Environmental sustainability has not been fully demonstrated for these sites.

The infrastructure and transport requirements for these developments are insufficiently addressed.

The consultation process may not have been sufficiently robust or comprehensive.

In order to make the plan sound, these sites should either be removed or further assessed to ensure they meet the tests of justification, sustainability, and deliverability as required by national policy.

Suggested Modification to Make the Plan Sound:

Remove the following sites from the housing allocation:

Land at Newcourt Road, Topsham (69 homes)

Land to the west of Newcourt Road, Topsham (56 homes)

Land at Topsham Golf Academy (54 homes)

Land to the east of Newcourt Road, Topsham (45 homes)

Alternatively, if these sites are to be retained, they must undergo further detailed assessments, including updated housing need studies, Environmental Impact Assessments (EIAs), and comprehensive Infrastructure Delivery Plans (IDPs), with clear evidence that these developments can be delivered sustainably within the plan period.

This would ensure the plan meets the legal compliance and soundness requirements outlined in the NPPF and Planning and Compulsory Purchase Act 2004.

No, I do not consider that this part of the 'Homes' chapter of the Exeter Plan complies with the duty to co-operate as required by Section 33A of the Planning and Compulsory Purchase Act 2004 and the NPPF (National Planning Policy Framework). The inclusion of the four housing developments (Land at Newcourt Road, Topsham; Land to the west of Newcourt Road, Topsham; Land at Topsham Golf Academy; and Land to the east of Newcourt Road, Topsham) raises concerns regarding the duty to co-operate for the following reasons:

1. Failure to Collaborate with Neighbouring Authorities on Housing Need

The Duty to Co-operate requires local authorities to work together to address cross-boundary issues, particularly those related to housing needs and growth. Local authorities are expected to engage with each other and collaborate when the housing needs of one area affect other areas, especially where boundaries overlap or where infrastructure capacity is shared (e.g., transport networks, schools, utilities).

Issue: If Exeter's housing allocations, including the four developments in question, are not aligned with the housing needs of neighbouring authorities (such as East Devon, Teignbridge, and Exmouth), this could indicate a failure to co-operate. For example, if the housing targets in Exeter are based on local assumptions without sufficient consultation with neighbouring districts, and if these districts are experiencing housing pressures themselves, Exeter might not be considering the impact of its housing allocations on cross-boundary housing distribution.

Why this is a failure to comply with the duty to co-operate: By not consulting neighbouring local authorities or failing to address how the developments near Topsham and Newcourt Road fit into a wider housing strategy that accounts for the needs of surrounding areas, the plan would violate the duty to co-operate. The NPPF (particularly Paragraphs 24-27) makes it clear that authorities must co-operate to identify and address cross-boundary issues. If these sites are not planned with a regional perspective, including engagement with neighbouring councils, it would lead to a failure to collaborate effectively.

2. Lack of Alignment with the Strategic Housing Market Area (SHMA)

The duty to co-operate also involves ensuring that housing provision within a Strategic Housing Market Area (SHMA) is effectively planned. The SHMA is the key tool in determining the housing needs across a broader region, and the duty to co-operate requires that housing allocations in one authority reflect and contribute to the needs of the SHMA, especially in areas with shared housing pressures or interconnected economies.

Issue: The four developments mentioned are located on the edge of Exeter and Topsham, which might fall within or have impacts on the Strategic Housing Market Area (SHMA) that covers both Exeter and parts of East Devon.

If the Exeter Plan has not properly coordinated with East Devon District Council and other authorities that fall within the SHMA, the allocation of housing in these locations could exacerbate regional housing pressures, making the development strategy for Exeter unsustainable.

Why this is a failure to comply with the duty to co-operate: The SHMA should be a joint effort between neighbouring authorities. If Exeter's housing allocations (including the four developments) are not appropriately coordinated with neighbouring authorities within the SHMA, there could be an imbalance in how housing targets are shared and addressed across the region. This would indicate a failure to align with the duty to co-operate under Section 33A of the Planning and Compulsory Purchase Act 2004.

3. Failure to Address Cross-Boundary Infrastructure and Service Provision

The duty to co-operate is also concerned with shared infrastructure needs—particularly for services that span across local authority boundaries. Given the location of the four housing sites near Topsham, the plan should demonstrate that the necessary infrastructure (e.g., roads, public transport, schools, healthcare) can be supported by both Exeter and its neighbouring authorities.

Issue: If the infrastructure needed to support these developments (such as road improvements, public transport routes, or healthcare facilities) has not been planned with East Devon and Teignbridge councils in mind, the developments may place undue pressure on existing services outside Exeter's boundaries. The Newcourt Road area, in particular, is close to the border with East Devon and may affect transport links, school placements, and healthcare access across both districts. A failure to adequately address this cross-boundary issue would indicate a failure to co-operate.

Why this is a failure to comply with the duty to co-operate: If Exeter has not engaged with neighbouring authorities to ensure that there is joint infrastructure planning that accounts for the housing growth in both Exeter and surrounding areas, this would be a failure to co-operate under the duty to ensure that shared infrastructure needs are properly addressed. This is a critical element of the duty to co-operate as required by NPPF Paragraph 25-27 and Planning and Compulsory Purchase Act 2004.

4. Failure to Consider the Impact of Growth on the Green Belt and Surrounding Areas

The duty to co-operate also involves addressing potential impacts of housing growth on environmental resources, such as the Green Belt and conservation areas, which may span multiple local authority boundaries.

Issue: The proposed developments near Newcourt and Topsham are located near environmentally sensitive areas, and any potential expansion may affect nearby green spaces, agricultural land, or other conservation areas. If Exeter has not engaged with its neighbouring authorities to understand how these developments may affect cross-boundary environmental considerations (e.g., the Green Belt), the plan would fail to demonstrate that these issues have been jointly considered.

Why this is a failure to comply with the duty to co-operate: The failure to consult on the potential environmental impacts of development near the borders of Exeter, East Devon, and Teignbridge would be a violation of the duty to co-operate, as it disregards the cross-boundary environmental consequences of development. This is an important aspect of the duty to co-operate, ensuring that environmental and sustainability issues are addressed across authority boundaries.

Conclusion: Why the Four Developments Should Be Removed for Duty to Co-Operate Compliance

To ensure that this part of the 'Homes' chapter complies with the duty to co-operate, the following actions must be taken:

Remove the Four Developments: The four housing developments in Topsham and Newcourt should be removed from the plan if they have not been adequately planned in collaboration with neighbouring authorities (especially East Devon and Teignbridge).

Engage in Full Cross-Boundary Co-operation: A clear and demonstrable engagement process should be undertaken with neighbouring authorities to ensure that housing allocations across the Strategic Housing Market Area (SHMA) are coordinated and aligned with shared housing needs.

Address Infrastructure and Environmental Issues: Co-operation with neighbouring councils should also involve addressing the shared infrastructure needs and the environmental impacts of the proposed developments. This ensures that growth is sustainable and does not place undue strain on local services and resources across local authority boundaries.

By ensuring that these four developments are removed from the plan or reassessed in the context of effective co-operation, the duty to co-operate would be satisfied, ensuring that the housing strategy is sound, legally compliant, and sustainable.

Modifications: To ensure that the "Homes" chapter of the Exeter Plan: Publication Plan (Regulation 19) is legally compliant, it is necessary to consider the modifications that should be made in light of any potential issues identified in 2.b (the legal compliance matters). Based on the points raised, the suggested modifications aim to either address shortcomings or remove problematic allocations, particularly in relation to the four housing developments you mentioned:

Land at Newcourt Road, Topsham (69 new homes)

Land to the west of Newcourt Road, Topsham (56 new homes)

Land at Topsham Golf Academy (54 new homes)

Land to the east of Newcourt Road, Topsham (45 new homes)

Modifications to Make the "Homes" Chapter Legally Compliant

1. Removal of Developments that Do Not Meet Housing Need or Are Unsustainable

Modification: Remove the sites at Newcourt Road, Topsham (69 homes), West of Newcourt Road, Topsham (56 homes), Topsham Golf Academy (54 homes), and East of Newcourt Road, Topsham (45 homes) from the "Homes" chapter of the Exeter Plan.

Reason for Modification: If these developments fail to meet the objectively assessed housing need (OAHN) or if they are found to be environmentally or socially unsustainable, they would not be legally compliant under NPPF policies, particularly Paragraph 35, which requires local plans to be sound and meet the area's housing needs. If the sites are found to conflict with local policies or if they have significant environmental impacts without adequate mitigation (e.g., flooding, loss of green space), they should be removed or substituted with alternative sites that are compliant with the sustainability and housing need criteria.

Suggested Revised Wording: "The housing allocations for the following sites are removed from the plan due to concerns about meeting local housing needs or environmental sustainability:

Land at Newcourt Road, Topsham (69 homes)

Land to the west of Newcourt Road, Topsham (56 homes)

Land at Topsham Golf Academy (54 homes)

Land to the east of Newcourt Road, Topsham (45 homes)."

2. Ensure Adequate Environmental and Infrastructure Assessments

Modification: Ensure that any housing site, including the ones in question, is supported by an updated Strategic Environmental Assessment (SEA) and Infrastructure Delivery Plan (IDP).

Reason for Modification: Failure to properly assess the environmental and infrastructure impacts of these developments would make the plan non-compliant with EU regulations and national policies (including the Environmental Assessment of Plans and Programmes Regulations 2004). The absence of proper mitigation strategies for issues such as flooding, biodiversity loss, or insufficient transport infrastructure could lead to the development being deemed unsound under NPPF Paragraph 35.

Suggested Revised Wording: "Any housing development sites proposed in this plan must be subject to an updated Strategic Environmental Assessment (SEA) and Infrastructure Delivery Plan (IDP), ensuring that the necessary infrastructure and environmental protections are in place for successful and sustainable development."

3. Address Transport and Infrastructure Concerns

Modification: If any of these sites have not been fully assessed for their impact on transport networks and local infrastructure, these sites should either be removed or subject to detailed transport and infrastructure studies before inclusion.

Reason for Modification: NPPF Paragraph 102 states that development should not place undue pressure on transport systems. If the developments near Newcourt Road are likely to cause congestion or lack sufficient infrastructure to support new housing, they should be removed until such assessments are made. If the infrastructure needed is not achievable within the timescale, the sites should not be allocated.

Suggested Revised Wording: "Where any site is proposed for housing, it must be demonstrated through an Infrastructure Delivery Plan (IDP) that the development will not place undue strain on existing infrastructure, particularly transport and utilities. If the infrastructure requirements cannot be met, those sites should be removed from the housing allocation."

4. Reallocate Sites Based on Updated Housing Needs

Modification: If it is determined that these sites no longer align with updated housing needs or demographic changes in the area, replace them with sites that meet the current housing demand.

Reason for Modification: The local housing allocation must be based on up-to-date housing need assessments. If any of these developments are found to be inconsistent with the objectively assessed housing need (OAHN), they

must be replaced by sites that meet this need. This is crucial to maintain compliance with the Planning and Compulsory Purchase Act 2004 and the NPPF.

Suggested Revised Wording: "Following updated housing needs assessments, any housing allocation that no longer meets the local housing demand should be replaced by alternative sites that align with the objectively assessed housing need (OAHN), ensuring that the plan reflects the most current housing requirement projections."

5. Strengthening Public Consultation and Procedural Compliance

Modification: Ensure all sites are subject to comprehensive public consultation and are compliant with Regulation 18 and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Reason for Modification: If these sites have not undergone sufficient consultation, or if consultation feedback has been disregarded, the plan would not comply with procedural requirements under the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Planning and Compulsory Purchase Act 2004. Non-compliance with these consultation processes could lead to legal challenges.

Suggested Revised Wording: "All housing allocation sites must undergo full consultation in accordance with Regulation 18 and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, ensuring that feedback from local communities, statutory consultees, and other stakeholders is fully considered and addressed."

Summary of Modifications and Why They Will Make the Plan Legally Compliant

Removal of problematic sites: The four sites should be removed from the plan if they are found to be unsustainable, fail to meet the housing need, or have significant negative environmental or infrastructure impacts.

Comprehensive environmental and infrastructure assessments: Requiring updated Strategic Environmental Assessments (SEA) and Infrastructure Delivery Plans (IDP) will ensure that the development can be properly supported by infrastructure and mitigate negative environmental impacts.

Addressing transport and infrastructure concerns: Detailed assessments are necessary to ensure that the proposed developments do not overburden existing transport networks and local infrastructure.

Reallocation of sites based on updated housing needs: The objectively assessed housing need (OAHN) must be used to inform housing allocations, ensuring the plan aligns with up-to-date demographic and housing requirements.

Strengthening public consultation: Ensuring that the allocation of sites is done in accordance with proper procedural requirements will make sure the plan is legally compliant with consultation and transparency rules.

These modifications ensure the plan is legally compliant with national policies, local policies, and procedural requirements. By removing the sites where needed and addressing outstanding issues, the plan will be made sound and able to meet the future housing needs of Exeter.

To make this part of the 'Homes' chapter sound, in respect of the issues identified in 3.b above (specifically the unsoundness of the four housing developments), the following modifications should be made. These changes aim to address the identified soundness issues and ensure compliance with NPPF requirements, local planning

policies, and legal procedures.

Modifications to Make the 'Homes' Chapter Sound

1. Removal of the Four Housing Sites from the Plan

Modification: Remove the following four housing sites from the Exeter Plan: Publication Plan (Regulation 19):

Land at Newcourt Road, Topsham (69 new homes)

Land to the west of Newcourt Road, Topsham (56 new homes)

Land at Topsham Golf Academy (54 new homes)

Land to the east of Newcourt Road, Topsham (45 new homes)

Reason for Modification:

Objectively Assessed Housing Need (OAHN): These sites may not meet the current housing need in a manner that is consistent with the most up-to-date housing assessments for Exeter. If they do not directly address the housing requirements or if more suitable alternative sites are available, they should be removed to better align with the OAHN.

Environmental Sustainability: If these sites have not undergone full Environmental Impact Assessments (EIAs) or Strategic Environmental Assessments (SEA) to properly assess environmental impacts, including flooding, biodiversity, and green space preservation, they cannot be deemed environmentally sound. Failure to demonstrate sustainability in line with NPPF Paragraph 35 would render these sites unsound.

Infrastructure and Transport Constraints: If these developments place undue pressure on local infrastructure (e.g., transport, schools, utilities) and cannot be adequately supported by infrastructure improvements within the plan period, they are unsound. A failure to address these concerns within the plan would result in an unsustainable development strategy, which is contrary to NPPF Paragraph 102.

Consultation and Procedural Issues: If the consultation processes were insufficient or if feedback from key stakeholders was not fully incorporated, the plan would fail to meet the procedural soundness requirements. This is particularly important for ensuring public participation in the planning process as per Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Suggested Revised Wording for the Policy or Paragraph: "The following housing sites are removed from the plan following a review of the objectively assessed housing need (OAHN), environmental sustainability, and infrastructure constraints:

Land at Newcourt Road, Topsham (69 homes)

Land to the west of Newcourt Road, Topsham (56 homes)

Land at Topsham Golf Academy (54 homes)

Land to the east of Newcourt Road, Topsham (45 homes).

These sites are no longer considered suitable for development due to concerns over their sustainability, deliverability, and alignment with the up-to-date housing need of Exeter."

2. Review and Reallocation of Housing Sites Based on Updated Evidence

Modification:

Conduct a new housing need assessment to ensure that the housing sites within the Exeter Plan align with the current objectively assessed housing need (OAHN). If alternative, more suitable sites are identified that meet this need without the environmental and infrastructure concerns associated with the four developments above, these should be added to the plan.

Ensure that any new sites included in the plan are supported by Environmental Impact Assessments (EIAs), Strategic Environmental Assessments (SEAs), and an Infrastructure Delivery Plan (IDP) that addresses the specific needs for transport, schools, utilities, and other infrastructure.

Reason for Modification: This modification will ensure that the plan is justified, addressing the housing need in a sustainable and deliverable manner. The current sites in question fail to meet these criteria, and a thorough review and potential reallocation will ensure the plan meets the requirements of NPPF Paragraph 35 and NPPF Paragraph 102.

Suggested Revised Wording for the Policy or Paragraph: "Following a review of the housing need, the allocation of sites within the Exeter Plan is revised to better reflect the objectively assessed housing need (OAHN), taking into account updated evidence on infrastructure capacity and environmental sustainability. Sites will only be allocated where they can be demonstrated to meet the housing need in a sustainable, deliverable manner and where the necessary infrastructure can be provided to support the development."

3. Require Detailed Environmental and Infrastructure Assessments for Remaining Sites

Modification: Ensure that all remaining sites allocated for housing are subject to detailed Environmental Impact Assessments (EIAs), Strategic Environmental Assessments (SEAs), and Infrastructure Delivery Plans (IDPs) before they are deemed suitable for development. This includes addressing the transportation impact, flood risk, biodiversity concerns, and the availability of public services.

Reason for Modification: By requiring comprehensive assessments for all allocated sites, the plan will be environmentally sound, ensuring no significant negative environmental impacts occur. The infrastructure assessments will also ensure that the developments are sustainable and that they can be adequately supported by transportation networks, public services, and utilities.

Suggested Revised Wording for the Policy or Paragraph: "All sites identified for housing development in the plan must be subject to a Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA), and a comprehensive Infrastructure Delivery Plan (IDP), ensuring that the necessary infrastructure (transport, utilities, schools, healthcare) is available to support the development. Sites that cannot meet these requirements will be revised or removed from the housing allocation."

4. Strengthen Public Consultation and Transparency

Modification: Ensure that all proposed housing developments undergo a robust and transparent consultation

process, in accordance with Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This will ensure that all relevant stakeholders, including local communities, are fully engaged in the decision-making process, and that their feedback is considered in the final housing allocations.

Reason for Modification: A plan must be procedurally sound to ensure that it complies with legal requirements and is transparent in its decision-making process. A comprehensive consultation process will ensure that the public and stakeholders have an opportunity to influence the housing allocations, thus improving the legitimacy and soundness of the plan.

Suggested Revised Wording for the Policy or Paragraph: "All housing allocations are subject to a robust consultation process, in accordance with Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, to ensure that local communities and statutory consultees are given the opportunity to provide feedback on the proposed sites. All feedback received will be fully considered in the final decisions on housing allocations."

Summary of Modifications and Why They Make the Plan Sound

Removal of Unsuitable Sites: By removing the four developments (Land at Newcourt Road, Topsham; Land to the west of Newcourt Road, Topsham; Land at Topsham Golf Academy; and Land to the east of Newcourt Road, Topsham), the plan will ensure that it is consistent with current housing needs and addresses environmental sustainability and infrastructure concerns.

Reallocation Based on Updated Housing Need: Conducting a review of the objectively assessed housing need (OAHN) and reallocating sites will ensure that the plan meets the current housing demand and is based on up-to-date evidence.

Environmental and Infrastructure Assessments: Ensuring that all sites are subject to EIAs, SEAs, and IDPs will make the plan environmentally sound and deliverable, addressing any concerns related to transport, utilities, and environmental impact.

Strengthening Public Consultation: Strengthening the consultation process will ensure that the plan complies with procedural requirements and is transparent and inclusive, improving its overall soundness.

By implementing these modifications, the Exeter Plan will become legally compliant, sustainable, and deliverable, addressing all necessary tests of soundness as outlined in the NPPF and the Planning and Compulsory Purchase Act 2004.

Requested to attend examination?: No

Ref: G-32-06-H02d

Representor: Thomas Ashford

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land to the east of Newcourt Road 2, Topsham (Site Ref. 153)

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: No

Comments: The Exeter Plan: Publication Plan (Regulation 19) outlines proposals for new housing developments in Exeter and surrounding areas, including those mentioned in your question. These developments are part of the city's plans to meet future housing demand and address population growth.

To determine whether these specific developments should be removed from the plan and whether they are legally compliant, we must consider various planning and legal aspects, particularly those outlined in the National Planning Policy Framework (NPPF), the Planning and Compulsory Purchase Act 2004, and local planning policies. I'll break down the key elements relevant to the developments you mentioned and discuss potential compliance issues:

Developments in Question

Land at Newcourt Road, Topsham (69 new homes)
Land to the west of Newcourt Road, Topsham (56 new homes)
Land at Topsham Golf Academy (54 new homes)
Land to the east of Newcourt Road, Topsham (45 new homes)

1. Legal Compliance: A Key Issue

For a plan to be legally compliant, it must meet the following requirements:

Conformity with National Policies: The development proposals must align with the National Planning Policy Framework (NPPF) and other national regulations. For instance, the NPPF requires that housing allocations meet the objectively assessed housing need for the area and that the plans should be consistent with sustainability goals.

Soundness of the Plan: The plan must be sound under the tests of soundness set out in the NPPF. Specifically, the plan must be:

Positively prepared – it should meet the needs of the area.

Justified – based on evidence of need, viability, and sustainability.

Effective – capable of being delivered within the plan period.

Consistent with national policy – it should reflect the strategic policies set by the government.

Compliance with the Local Plan: These developments need to conform with local planning policies in Exeter and the broader Exeter District. If the development contradicts policies related to the sustainability of development, environmental concerns, green spaces, or transport planning, it may not be legally compliant.

Environmental and Infrastructure Assessments: A plan must be based on thorough Environmental Impact Assessments (EIA) and Infrastructure Delivery Plans (IDP), which must be updated and comprehensive, demonstrating that the proposed developments can be supported by necessary infrastructure (e.g., transport, utilities).

2. Reasons Why These Developments Might Be Non-Compliant

Several issues could make these developments legally non-compliant:

a. Failure to Meet Housing Needs

One of the primary legal tests for a Local Plan is that it must meet the objectively assessed housing need (OAHN) for the area. If these developments do not align with up-to-date assessments of housing demand or if they are based on overly optimistic assumptions regarding population growth, they could be deemed unjustified or insufficient to meet local needs.

The housing supply should also be in line with projections. If there are recent changes to population growth or if more recent, accurate data indicates that the housing need has changed, the allocations may need to be revised or removed.

b. Environmental Sustainability

If there are environmental constraints (e.g., flood risk, conservation areas, biodiversity considerations) at the sites mentioned (e.g., Newcourt Road, Topsham Golf Academy), the planning policy must ensure that mitigation strategies are implemented. Failure to demonstrate that the developments meet sustainability criteria could render them non-compliant with both NPPF and local policy (particularly regarding climate change adaptation and environmental protection).

A Strategic Environmental Assessment (SEA) must be carried out to assess the impacts of the plan on the environment. If the SEA has not been done or if it reveals significant adverse impacts without adequate mitigation, the plan could be challenged for non-compliance with the EU Strategic Environmental Assessment Directive and the Environmental Assessment of Plans and Programmes Regulations 2004.

c. Transport and Infrastructure Concerns

If the proposed developments lack a robust Infrastructure Delivery Plan (IDP) to address transportation, utilities, and other infrastructure needs, they might be challenged on the grounds of being unsound or unrealistic. The failure to show that the infrastructure will be in place in time could delay or prevent the delivery of these homes.

For example, the development near Newcourt Road could raise concerns about local transport networks' capacity to accommodate the influx of new residents without leading to overcapacity or congestion.

d. Local Plan Consistency

If the Exeter Local Plan (or the emerging Exeter City Plan) does not allocate these sites for housing or if the allocations contradict the principles of sustainable development laid out in the Local Plan, the developments could be considered inconsistent. Legal challenges could arise if these sites have not been tested through a Public Examination as part of the local plan process, or if they were proposed without the necessary consultation with local stakeholders.

e. Failure to Demonstrate Adequate Consultation

The Regulation 19 stage of a Local Plan's publication involves public consultation, and the plan must demonstrate that it has undergone meaningful consultation with local communities, statutory consultees, and other relevant stakeholders. If these specific sites were not adequately consulted or if key feedback from these consultations was ignored, it could make the plan vulnerable to legal challenges for procedural irregularity.

3. When These Developments Need to Be Removed

If any of the issues mentioned above are found to be true (e.g., failure to meet housing need, lack of environmental assessments, inadequate infrastructure planning, non-compliance with local policy), the developments should be removed or reallocated in the plan. These adjustments should be made before the Local Plan is submitted for Examination to ensure it passes the tests of soundness and compliance.

Specifically, these developments should be reviewed and potentially removed if:

They contradict the Local Plan's objectives or have been found to have significant environmental or social impacts that have not been adequately mitigated.

They do not align with up-to-date housing needs assessments or sustainable growth projections.

They fail to meet the infrastructure needs of the area, creating an unsustainable burden on existing services and infrastructure.

They were not part of the initial consultation and feedback process.

Conclusion

Without specific details on the current status of assessments and local planning consultations, it is difficult to definitively say whether these developments should be removed. However, if they fail to meet the criteria outlined above, they could be legally non-compliant and might need to be revised or removed from the Exeter Plan: Publication Plan (Regulation 19).

To check the plan's legal compliance further, you can refer to:

The NPPF: National Planning Policy Framework (NPPF)

The Planning and Compulsory Purchase Act 2004: Planning and Compulsory Purchase Act

Exeter City Council's Local Plan: Exeter Local Plan

If you are involved in the consultation or review process, these resources should help you understand the technical and legal aspects further.

No, I do not consider that this part of the "Homes" chapter is sound due to the inclusion of the four developments you have mentioned. Here are the key reasons why:

1. Failure to Meet Objectively Assessed Housing Need (OAHN)

A sound Local Plan must be based on an up-to-date and robust evidence base, including the objectively assessed housing need (OAHN).

Issue: If the four developments (Land at Newcourt Road, Topsham; Land to the west of Newcourt Road, Topsham; Land at Topsham Golf Academy; and Land to the east of Newcourt Road, Topsham) do not align with the most current housing need assessments, or if they were based on outdated or overly optimistic projections, the allocations would not be justified and may not adequately address the true housing needs of Exeter.

Why this makes the plan unsound: According to NPPF Paragraph 35, the plan must be justified by evidence, including the OAHN. If these developments do not meet the identified housing needs or do not provide a coherent, evidence-based strategy for meeting the city's growth, the plan would fail this test of soundness.

2. Lack of Environmental Sustainability and Assessment

The NPPF stresses that planning must achieve sustainable development, which includes protecting the environment and ensuring that development does not lead to significant harm to local ecosystems or contribute to environmental degradation.

Issue: If these sites, particularly those near Topsham (Newcourt Road, Topsham Golf Academy), have not undergone proper Environmental Impact Assessments (EIAs) or a Strategic Environmental Assessment (SEA) to address potential environmental harm (e.g., flooding risks, loss of green space, biodiversity concerns), the plan would fail to demonstrate that these developments are environmentally sustainable.

Why this makes the plan unsound: The NPPF requires plans to be consistent with environmental sustainability. If these developments have not been adequately assessed for environmental impacts or do not have the necessary mitigation measures, they cannot be considered sound.

3. Inadequate Infrastructure and Transport Considerations

The NPPF (specifically Paragraph 102) requires that developments should only be allocated if they can be supported by adequate infrastructure (e.g., transport, utilities, schools, healthcare).

Issue: If these developments (particularly those at Newcourt Road) have not been sufficiently assessed for their impact on local transport networks or infrastructure capacity, they may result in unsustainable pressure on existing services and amenities. There is also a risk that they could lead to congestion or insufficient provision of public transport, which would make these sites unsustainable.

Why this makes the plan unsound: If the infrastructure needed to support these developments cannot be provided or if the sites would place undue pressure on the transport network, then the developments would not be viable or

effective, failing to meet the soundness criteria set out in NPPF Paragraph 35.

4. Procedural and Consultation Issues

A sound Local Plan must comply with legal and procedural requirements, including meaningful public consultation as outlined in Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Issue: If the sites have not been adequately consulted upon, or if significant concerns raised during consultation have been ignored, this could be a procedural irregularity. A plan that does not comply with the consultation process may be open to legal challenge.

Why this makes the plan unsound: A failure to engage with local stakeholders or respond to critical feedback can undermine the legitimacy of the plan and result in an unsound plan that fails the test of effectiveness.

5. Sustainability and Deliverability of Sites

For a plan to be sound, it must be effective, meaning that it is deliverable within the plan period. This includes ensuring that sites can be developed in a timely manner with the necessary infrastructure and environmental protections.

Issue: If there are questions about the deliverability of these sites (e.g., due to infrastructure constraints or environmental concerns), the plan could be seen as unrealistic or incapable of being implemented as intended.

Why this makes the plan unsound: NPPF Paragraph 35 requires the plan to be effective. If these sites are not deliverable due to unresolved issues with transport, infrastructure, or environmental sustainability, the plan would not be considered sound.

Conclusion: Why the Plan is Unsound Due to the Inclusion of These Developments

The inclusion of the four developments in the Exeter Plan undermines the plan's soundness for several reasons:

The housing allocations are not fully justified by up-to-date housing need assessments.

Environmental sustainability has not been fully demonstrated for these sites.

The infrastructure and transport requirements for these developments are insufficiently addressed.

The consultation process may not have been sufficiently robust or comprehensive.

In order to make the plan sound, these sites should either be removed or further assessed to ensure they meet the tests of justification, sustainability, and deliverability as required by national policy.

Suggested Modification to Make the Plan Sound:

Remove the following sites from the housing allocation:

Land at Newcourt Road, Topsham (69 homes)

Land to the west of Newcourt Road, Topsham (56 homes)

Land at Topsham Golf Academy (54 homes)

Land to the east of Newcourt Road, Topsham (45 homes)

Alternatively, if these sites are to be retained, they must undergo further detailed assessments, including updated housing need studies, Environmental Impact Assessments (EIAs), and comprehensive Infrastructure Delivery Plans (IDPs), with clear evidence that these developments can be delivered sustainably within the plan period.

This would ensure the plan meets the legal compliance and soundness requirements outlined in the NPPF and Planning and Compulsory Purchase Act 2004.

No, I do not consider that this part of the 'Homes' chapter of the Exeter Plan complies with the duty to co-operate as required by Section 33A of the Planning and Compulsory Purchase Act 2004 and the NPPF (National Planning Policy Framework). The inclusion of the four housing developments (Land at Newcourt Road, Topsham; Land to the west of Newcourt Road, Topsham; Land at Topsham Golf Academy; and Land to the east of Newcourt Road, Topsham) raises concerns regarding the duty to co-operate for the following reasons:

1. Failure to Collaborate with Neighbouring Authorities on Housing Need

The Duty to Co-operate requires local authorities to work together to address cross-boundary issues, particularly those related to housing needs and growth. Local authorities are expected to engage with each other and collaborate when the housing needs of one area affect other areas, especially where boundaries overlap or where infrastructure capacity is shared (e.g., transport networks, schools, utilities).

Issue: If Exeter's housing allocations, including the four developments in question, are not aligned with the housing needs of neighbouring authorities (such as East Devon, Teignbridge, and Exmouth), this could indicate a failure to co-operate. For example, if the housing targets in Exeter are based on local assumptions without sufficient consultation with neighbouring districts, and if these districts are experiencing housing pressures themselves, Exeter might not be considering the impact of its housing allocations on cross-boundary housing distribution.

Why this is a failure to comply with the duty to co-operate: By not consulting neighbouring local authorities or failing to address how the developments near Topsham and Newcourt Road fit into a wider housing strategy that accounts for the needs of surrounding areas, the plan would violate the duty to co-operate. The NPPF (particularly Paragraphs 24-27) makes it clear that authorities must co-operate to identify and address cross-boundary issues. If these sites are not planned with a regional perspective, including engagement with neighbouring councils, it would lead to a failure to collaborate effectively.

2. Lack of Alignment with the Strategic Housing Market Area (SHMA)

The duty to co-operate also involves ensuring that housing provision within a Strategic Housing Market Area (SHMA) is effectively planned. The SHMA is the key tool in determining the housing needs across a broader region, and the duty to co-operate requires that housing allocations in one authority reflect and contribute to the needs of the SHMA, especially in areas with shared housing pressures or interconnected economies.

Issue: The four developments mentioned are located on the edge of Exeter and Topsham, which might fall within or have impacts on the Strategic Housing Market Area (SHMA) that covers both Exeter and parts of East Devon.

If the Exeter Plan has not properly coordinated with East Devon District Council and other authorities that fall within the SHMA, the allocation of housing in these locations could exacerbate regional housing pressures, making the development strategy for Exeter unsustainable.

Why this is a failure to comply with the duty to co-operate: The SHMA should be a joint effort between neighbouring authorities. If Exeter's housing allocations (including the four developments) are not appropriately coordinated with neighbouring authorities within the SHMA, there could be an imbalance in how housing targets are shared and addressed across the region. This would indicate a failure to align with the duty to co-operate under Section 33A of the Planning and Compulsory Purchase Act 2004.

3. Failure to Address Cross-Boundary Infrastructure and Service Provision

The duty to co-operate is also concerned with shared infrastructure needs—particularly for services that span across local authority boundaries. Given the location of the four housing sites near Topsham, the plan should demonstrate that the necessary infrastructure (e.g., roads, public transport, schools, healthcare) can be supported by both Exeter and its neighbouring authorities.

Issue: If the infrastructure needed to support these developments (such as road improvements, public transport routes, or healthcare facilities) has not been planned with East Devon and Teignbridge councils in mind, the developments may place undue pressure on existing services outside Exeter's boundaries. The Newcourt Road area, in particular, is close to the border with East Devon and may affect transport links, school placements, and healthcare access across both districts. A failure to adequately address this cross-boundary issue would indicate a failure to co-operate.

Why this is a failure to comply with the duty to co-operate: If Exeter has not engaged with neighbouring authorities to ensure that there is joint infrastructure planning that accounts for the housing growth in both Exeter and surrounding areas, this would be a failure to co-operate under the duty to ensure that shared infrastructure needs are properly addressed. This is a critical element of the duty to co-operate as required by NPPF Paragraph 25-27 and Planning and Compulsory Purchase Act 2004.

4. Failure to Consider the Impact of Growth on the Green Belt and Surrounding Areas

The duty to co-operate also involves addressing potential impacts of housing growth on environmental resources, such as the Green Belt and conservation areas, which may span multiple local authority boundaries.

Issue: The proposed developments near Newcourt and Topsham are located near environmentally sensitive areas, and any potential expansion may affect nearby green spaces, agricultural land, or other conservation areas. If Exeter has not engaged with its neighbouring authorities to understand how these developments may affect cross-boundary environmental considerations (e.g., the Green Belt), the plan would fail to demonstrate that these issues have been jointly considered.

Why this is a failure to comply with the duty to co-operate: The failure to consult on the potential environmental impacts of development near the borders of Exeter, East Devon, and Teignbridge would be a violation of the duty to co-operate, as it disregards the cross-boundary environmental consequences of development. This is an important aspect of the duty to co-operate, ensuring that environmental and sustainability issues are addressed across authority boundaries.

Conclusion: Why the Four Developments Should Be Removed for Duty to Co-Operate Compliance

To ensure that this part of the 'Homes' chapter complies with the duty to co-operate, the following actions must be taken:

Remove the Four Developments: The four housing developments in Topsham and Newcourt should be removed from the plan if they have not been adequately planned in collaboration with neighbouring authorities (especially East Devon and Teignbridge).

Engage in Full Cross-Boundary Co-operation: A clear and demonstrable engagement process should be undertaken with neighbouring authorities to ensure that housing allocations across the Strategic Housing Market Area (SHMA) are coordinated and aligned with shared housing needs.

Address Infrastructure and Environmental Issues: Co-operation with neighbouring councils should also involve addressing the shared infrastructure needs and the environmental impacts of the proposed developments. This ensures that growth is sustainable and does not place undue strain on local services and resources across local authority boundaries.

By ensuring that these four developments are removed from the plan or reassessed in the context of effective co-operation, the duty to co-operate would be satisfied, ensuring that the housing strategy is sound, legally compliant, and sustainable.

Modifications: To ensure that the "Homes" chapter of the Exeter Plan: Publication Plan (Regulation 19) is legally compliant, it is necessary to consider the modifications that should be made in light of any potential issues identified in 2.b (the legal compliance matters). Based on the points raised, the suggested modifications aim to either address shortcomings or remove problematic allocations, particularly in relation to the four housing developments you mentioned:

Land at Newcourt Road, Topsham (69 new homes)

Land to the west of Newcourt Road, Topsham (56 new homes)

Land at Topsham Golf Academy (54 new homes)

Land to the east of Newcourt Road, Topsham (45 new homes)

Modifications to Make the "Homes" Chapter Legally Compliant

1. Removal of Developments that Do Not Meet Housing Need or Are Unsustainable

Modification: Remove the sites at Newcourt Road, Topsham (69 homes), West of Newcourt Road, Topsham (56 homes), Topsham Golf Academy (54 homes), and East of Newcourt Road, Topsham (45 homes) from the "Homes" chapter of the Exeter Plan.

Reason for Modification: If these developments fail to meet the objectively assessed housing need (OAHN) or if they are found to be environmentally or socially unsustainable, they would not be legally compliant under NPPF policies, particularly Paragraph 35, which requires local plans to be sound and meet the area's housing needs. If the sites are found to conflict with local policies or if they have significant environmental impacts without adequate mitigation (e.g., flooding, loss of green space), they should be removed or substituted with alternative sites that are compliant with the sustainability and housing need criteria.

Suggested Revised Wording: "The housing allocations for the following sites are removed from the plan due to concerns about meeting local housing needs or environmental sustainability:

Land at Newcourt Road, Topsham (69 homes)

Land to the west of Newcourt Road, Topsham (56 homes)

Land at Topsham Golf Academy (54 homes)

Land to the east of Newcourt Road, Topsham (45 homes)."

2. Ensure Adequate Environmental and Infrastructure Assessments

Modification: Ensure that any housing site, including the ones in question, is supported by an updated Strategic Environmental Assessment (SEA) and Infrastructure Delivery Plan (IDP).

Reason for Modification: Failure to properly assess the environmental and infrastructure impacts of these developments would make the plan non-compliant with EU regulations and national policies (including the Environmental Assessment of Plans and Programmes Regulations 2004). The absence of proper mitigation strategies for issues such as flooding, biodiversity loss, or insufficient transport infrastructure could lead to the development being deemed unsound under NPPF Paragraph 35.

Suggested Revised Wording: "Any housing development sites proposed in this plan must be subject to an updated Strategic Environmental Assessment (SEA) and Infrastructure Delivery Plan (IDP), ensuring that the necessary infrastructure and environmental protections are in place for successful and sustainable development."

3. Address Transport and Infrastructure Concerns

Modification: If any of these sites have not been fully assessed for their impact on transport networks and local infrastructure, these sites should either be removed or subject to detailed transport and infrastructure studies before inclusion.

Reason for Modification: NPPF Paragraph 102 states that development should not place undue pressure on transport systems. If the developments near Newcourt Road are likely to cause congestion or lack sufficient infrastructure to support new housing, they should be removed until such assessments are made. If the infrastructure needed is not achievable within the timescale, the sites should not be allocated.

Suggested Revised Wording: "Where any site is proposed for housing, it must be demonstrated through an Infrastructure Delivery Plan (IDP) that the development will not place undue strain on existing infrastructure, particularly transport and utilities. If the infrastructure requirements cannot be met, those sites should be removed from the housing allocation."

4. Reallocate Sites Based on Updated Housing Needs

Modification: If it is determined that these sites no longer align with updated housing needs or demographic changes in the area, replace them with sites that meet the current housing demand.

Reason for Modification: The local housing allocation must be based on up-to-date housing need assessments. If any of these developments are found to be inconsistent with the objectively assessed housing need (OAHN), they

must be replaced by sites that meet this need. This is crucial to maintain compliance with the Planning and Compulsory Purchase Act 2004 and the NPPF.

Suggested Revised Wording: "Following updated housing needs assessments, any housing allocation that no longer meets the local housing demand should be replaced by alternative sites that align with the objectively assessed housing need (OAHN), ensuring that the plan reflects the most current housing requirement projections."

5. Strengthening Public Consultation and Procedural Compliance

Modification: Ensure all sites are subject to comprehensive public consultation and are compliant with Regulation 18 and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Reason for Modification: If these sites have not undergone sufficient consultation, or if consultation feedback has been disregarded, the plan would not comply with procedural requirements under the Town and Country Planning (Local Planning) (England) Regulations 2012 and the Planning and Compulsory Purchase Act 2004. Non-compliance with these consultation processes could lead to legal challenges.

Suggested Revised Wording: "All housing allocation sites must undergo full consultation in accordance with Regulation 18 and Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, ensuring that feedback from local communities, statutory consultees, and other stakeholders is fully considered and addressed."

Summary of Modifications and Why They Will Make the Plan Legally Compliant

Removal of problematic sites: The four sites should be removed from the plan if they are found to be unsustainable, fail to meet the housing need, or have significant negative environmental or infrastructure impacts.

Comprehensive environmental and infrastructure assessments: Requiring updated Strategic Environmental Assessments (SEA) and Infrastructure Delivery Plans (IDP) will ensure that the development can be properly supported by infrastructure and mitigate negative environmental impacts.

Addressing transport and infrastructure concerns: Detailed assessments are necessary to ensure that the proposed developments do not overburden existing transport networks and local infrastructure.

Reallocation of sites based on updated housing needs: The objectively assessed housing need (OAHN) must be used to inform housing allocations, ensuring the plan aligns with up-to-date demographic and housing requirements.

Strengthening public consultation: Ensuring that the allocation of sites is done in accordance with proper procedural requirements will make sure the plan is legally compliant with consultation and transparency rules.

These modifications ensure the plan is legally compliant with national policies, local policies, and procedural requirements. By removing the sites where needed and addressing outstanding issues, the plan will be made sound and able to meet the future housing needs of Exeter.

To make this part of the 'Homes' chapter sound, in respect of the issues identified in 3.b above (specifically the unsoundness of the four housing developments), the following modifications should be made. These changes aim to address the identified soundness issues and ensure compliance with NPPF requirements, local planning

policies, and legal procedures.

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Land to the east of Newcourt Road, Topsham (45 new homes)

Reason for Modification:

Objectively Assessed Housing Need (OAHN): These sites may not meet the current housing need in a manner that is consistent with the most up-to-date housing assessments for Exeter. If they do not directly address the housing requirements or if more suitable alternative sites are available, they should be removed to better align with the OAHN.

Environmental Sustainability: If these sites have not undergone full Environmental Impact Assessments (EIAs) or Strategic Environmental Assessments (SEA) to properly assess environmental impacts, including flooding, biodiversity, and green space preservation, they cannot be deemed environmentally sound. Failure to demonstrate sustainability in line with NPPF Paragraph 35 would render these sites unsound.

Infrastructure and Transport Constraints: If these developments place undue pressure on local infrastructure (e.g., transport, schools, utilities) and cannot be adequately supported by infrastructure improvements within the plan period, they are unsound. A failure to address these concerns within the plan would result in an unsustainable development strategy, which is contrary to NPPF Paragraph 102.

Consultation and Procedural Issues: If the consultation processes were insufficient or if feedback from key stakeholders was not fully incorporated, the plan would fail to meet the procedural soundness requirements. This is particularly important for ensuring public participation in the planning process as per Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

Suggested Revised Wording for the Policy or Paragraph: "The following housing sites are removed from the plan following a review of the objectively assessed housing need (OAHN), environmental sustainability, and infrastructure constraints:

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Land at Topsham Golf Academy (54 homes)

Land to the east of Newcourt Road, Topsham (45 homes).

These sites are no longer considered suitable for development due to concerns over their sustainability, deliverability, and alignment with the up-to-date housing need of Exeter."

2. Review and Reallocation of Housing Sites Based on Updated Evidence

Modification:

Conduct a new housing need assessment to ensure that the housing sites within the Exeter Plan align with the current objectively assessed housing need (OAHN). If alternative, more suitable sites are identified that meet this need without the environmental and infrastructure concerns associated with the four developments above, these should be added to the plan.

Ensure that any new sites included in the plan are supported by Environmental Impact Assessments (EIAs), Strategic Environmental Assessments (SEAs), and an Infrastructure Delivery Plan (IDP) that addresses the specific needs for transport, schools, utilities, and other infrastructure.

Reason for Modification: This modification will ensure that the plan is justified, addressing the housing need in a sustainable and deliverable manner. The current sites in question fail to meet these criteria, and a thorough review and potential reallocation will ensure the plan meets the requirements of NPPF Paragraph 35 and NPPF Paragraph 102.

Suggested Revised Wording for the Policy or Paragraph: "Following a review of the housing need, the allocation of sites within the Exeter Plan is revised to better reflect the objectively assessed housing need (OAHN), taking into account updated evidence on infrastructure capacity and environmental sustainability. Sites will only be allocated where they can be demonstrated to meet the housing need in a sustainable, deliverable manner and where the necessary infrastructure can be provided to support the development."

3. Require Detailed Environmental and Infrastructure Assessments for Remaining Sites

Modification: Ensure that all remaining sites allocated for housing are subject to detailed Environmental Impact Assessments (EIAs), Strategic Environmental Assessments (SEAs), and Infrastructure Delivery Plans (IDPs) before they are deemed suitable for development. This includes addressing the transportation impact, flood risk, biodiversity concerns, and the availability of public services.

Reason for Modification: By requiring comprehensive assessments for all allocated sites, the plan will be environmentally sound, ensuring no significant negative environmental impacts occur. The infrastructure assessments will also ensure that the developments are sustainable and that they can be adequately supported by transportation networks, public services, and utilities.

Suggested Revised Wording for the Policy or Paragraph: "All sites identified for housing development in the plan must be subject to a Strategic Environmental Assessment (SEA), Environmental Impact Assessment (EIA), and a comprehensive Infrastructure Delivery Plan (IDP), ensuring that the necessary infrastructure (transport, utilities, schools, healthcare) is available to support the development. Sites that cannot meet these requirements will be revised or removed from the housing allocation."

4. Strengthen Public Consultation and Transparency

Modification: Ensure that all proposed housing developments undergo a robust and transparent consultation

process, in accordance with Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012. This will ensure that all relevant stakeholders, including local communities, are fully engaged in the decision-making process, and that their feedback is considered in the final housing allocations.

Reason for Modification: A plan must be procedurally sound to ensure that it complies with legal requirements and is transparent in its decision-making process. A comprehensive consultation process will ensure that the public and stakeholders have an opportunity to influence the housing allocations, thus improving the legitimacy and soundness of the plan.

Suggested Revised Wording for the Policy or Paragraph: "All housing allocations are subject to a robust consultation process, in accordance with Regulations 18 and 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012, to ensure that local communities and statutory consultees are given the opportunity to provide feedback on the proposed sites. All feedback received will be fully considered in the final decisions on housing allocations."

Summary of Modifications and Why They Make the Plan Sound

Removal of Unsuitable Sites: By removing the four developments (Land at Newcourt Road, Topsham; Land to the west of Newcourt Road, Topsham; Land at Topsham Golf Academy; and Land to the east of Newcourt Road, Topsham), the plan will ensure that it is consistent with current housing needs and addresses environmental sustainability and infrastructure concerns.

Reallocation Based on Updated Housing Need: Conducting a review of the objectively assessed housing need (OAHN) and reallocating sites will ensure that the plan meets the current housing demand and is based on up-to-date evidence.

Environmental and Infrastructure Assessments: Ensuring that all sites are subject to EIAs, SEAs, and IDPs will make the plan environmentally sound and deliverable, addressing any concerns related to transport, utilities, and environmental impact.

Strengthening Public Consultation: Strengthening the consultation process will ensure that the plan complies with procedural requirements and is transparent and inclusive, improving its overall soundness.

By implementing these modifications, the Exeter Plan will become legally compliant, sustainable, and deliverable, addressing all necessary tests of soundness as outlined in the NPPF and the Planning and Compulsory Purchase Act 2004.

Requested to attend examination?: No

Ref: H-03-06-H02

Representor: Anonymous

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: -

Requested to attend examination?: -

Ref: H-04-06-H02

Representor: Anonymous

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: -

Requested to attend examination?: -

Ref: H-05-06-H02

Representor: Anonymous

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: -

Requested to attend examination?: -

Ref: H-06-06-H02

Representor: Anonymous

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: -

Requested to attend examination?: -

Ref: H-07-06-H02

Representor: Anonymous

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: -

Requested to attend examination?: -

Ref: H-08-06-H02

Representor: Anonymous

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H2: Housing allocations and windfalls (Strategic policy)

Paragraph: -

Site: Land at Matford Lane 2 (Site Ref. 158)

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: Paragraph 6.12 box H2 states "Land at Matford Lane 2 reference 158" is brownfield site. This is not true. It was the location of temporary offices for County Hall, and the recent planning permission for their demolition was only given on the basis that the land was returned to grass.

Modifications: This land should be designated as green field/open space not brownfield.

Requested to attend examination?: No

Ref: B-03-06-H03a

Representor: Historic England

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H3: Regeneration opportunity areas (Strategic policy)

Paragraph: -

Site: North Gate (Regeneration opportunity area)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: North Gate (HIA p108): Regeneration Opportunity Areas are proposed for North Gate and Marsh Barton, both of which were formerly proposed as strategic brownfield allocations in the Full Draft Plan.

North Gate is an area of extremely high historic and archaeological significance, which includes numerous listed buildings and the site of the former Roman Fortress. While we recognise that the delivery of this Opportunity Area policy is less secure than delivery of a strategic site allocation, we are nevertheless concerned that this policy represents a significant step back in protections for heritage (and other matters) in contrast to the Full Draft Plan. The policy also fails to respond to the new evidence for North Gate contained in the Views, Density and Heights Study. We therefore request that this policy is reviewed and expanded. In its current form we consider that this policy fails the tests of soundness as it is neither justified nor consistent with national policy. Subject to the changes we are requesting this soundness issue could be resolved.

Modifications: North Gate: The Opportunity Area policy should seek to ensure that any development proposals come forward as a holistic and integrated plan for heritage-led regeneration at North Gate, rather than in a piecemeal fashion. It may therefore be appropriate for North Gate to be subject to Policy S2: Liveable Exeter Principles. As a minimum, proposals should consider and integrate with the proposed site allocation for the Mary Arches Multi-Storey and Surface Car Park (ref 163), which should be explicitly covered by Policy H3 as well as H2. We also recommend that Fever and Boutique, 12 Mary Arches Street (ref 100), is bought under Policy H3 bearing in mind the close proximity and related heritage and design considerations.

Responding to the Council's HIA (site ref 42) and policies in Chapter 16 of the NPPF, the policy should promote the conservation of designated and non-designated heritage assets and their settings. The requirement from the Full Draft Plan that applications are supported by site-specific heritage and archaeological assessment, evaluation and mitigation should be reinstated and expanded to refer to the Cathedral. We also request that the requirement for contributions towards the repair, maintenance and enhancement of the City Walls is reinstated. In this regard, the proposed policy wording would parallel that provided for strategic site allocation Policy SBA5 - South Gate.

To ensure an appropriate design response having regard to the Exeter Views, Density and Heights Study and our previous response to the Full Draft Plan, we request a policy criterion as follows:

[underline] "A design that seeks to conserve and enhance important strategic and local views; delivers a finer grain of development, greater permeability and animation of street frontages." [underline]

Finally, supporting text should be used to clearly flag to prospective developers the exceptional historic significance and sensitivity of assets in the North Gate area. We suggest that this should include references to the close proximity of the Cathedral and City Walls, the presence of numerous listed and locally listed buildings within and around the site, and archaeology associated with the Roman town and fortress. The site is within Exeter's Area of Archaeological Importance and also in the Central Conservation Area.

Requested to attend examination?: -

Ref: B-03-06-H03b

Representor: Historic England

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H3: Regeneration opportunity areas (Strategic policy)

Paragraph: -

Site: Marsh Barton (Regeneration opportunity area)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Marsh Barton: Marsh Barton is not in itself an area rich in heritage and the Council's generic policies for heritage (including archaeology) could therefore be adequate to ensure appropriate consideration, subject to adjustments that we are requesting to those policies.

However, Marsh Barton is a very large area located between the historic city centre and the western hills that form part of the landscape setting of Exeter. The height and massing of any new development at Marsh Barton therefore has the potential to impact adversely on views into, or out of, the historic city. The Exeter Skyline and Views Report goes some way to describing these relationships (see for example view P01 Colleton Crescent) and the policy should flag this as a consideration for future development.

Modifications: Marsh Barton: In relation to Marsh Barton, we request an additional policy criterion as follows:

[underline] "Ensure that height and massing are appropriate to conserve strategic views and the relationship between the historic city and its landscape setting." [underline]

Requested to attend examination?: -

Ref: C-06-06-H03a

Representor: Broom

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H3: Regeneration opportunity areas (Strategic policy)

Paragraph: -

Site: Marsh Barton (Regeneration opportunity area)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy H3 [bold]

Policy H3 identifies Regeneration Opportunity Areas at Marsh Barton and North Gate and offers to support to development proposals for residential and a wider mix of uses that make more efficient use of brownfield land subject to criteria.

The EDNA (2023) notes that Exeter is the main office location in Greater Exeter, but that it has insufficient employment land to meet the forecast demand for both offices and industrial development between 2020-2040. The EDNA suggests demand for 21ha (middle range) of office land versus 4ha of supply and 50ha (middle range) of industrial land versus a supply of 7ha. In response, the Exeter Plan allocates only 3 sites for transformational employment uses amounting to 15.5ha and only two of the five strategic residential-led mixed use allocations include a requirement for new employment provision.

Whilst the omission of North Gate and high performing employment land at Marsh Barton as formal residential-led allocations is welcomed, their identification as regeneration opportunity areas still has the potential to result in a net loss of employment land in Exeter, further worsening the employment land supply shortage. The Exeter Plan does not meet the employment needs of Exeter as it fails to make available sufficient land for employment provision, particularly for industrial uses. Policy H3 will assist in compounding the employment land shortage.

ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning

Committee here [embedded link:

<https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DC's Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Para. 7.6 of the Exeter Plan states that [italic] 'the partner authorities (the City Council, East Devon, Mid Devon and Teignbridge District Councils and Devon County Council) are committed to continuing to work together, in accordance with the duty to cooperate, to address any shortfall in employment land to ensure the continued economic success of the wider area'. [italic]

However, EDDC propose to object to the Exeter Plan as set out in a report to the EDDC Strategic Planning Committee on the 4th February 2025 (See EDDC Report SPC here [embedded link: <https://democracy.eastdevon.gov.uk/documents/s26150/3.%20Exeter%20Reg%2019%20Local%20Plan%20consultation.pdf>]). The objection is on the basis that it fails to make available sufficient land for employment provision. EDDC Officer's recommended response recognises that the Exeter Plan does not refer to the Exeter specific employment land requirement nor how the Exeter Plan has addressed this need. It notes that the Exeter Plan fails to state that it will meet an Exeter quantified need and that 'no request has been made under the duty to co-operate for East Devon District Council to assist in meeting the employment land need identified in the EDNA. The land identified in the emerging East Devon Local Plan 2020-2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.'

Whilst not explicit in the Exeter Plan, as suggested by EDDC, the Exeter Plan appears to rely on the collective land supply for employment across the sub-region, without formal request under the duty to co-operate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Further, ECC is not meeting its historic shortfall within its housing allocations and has not made a formal request to neighbouring authorities to assist in meeting this shortfall under the duty to cooperate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Our Client's land, whilst located in East Devon, is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter. Consideration should be given to suitable greenfield sites where new homes can be delivered with more certainty.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the

issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-06-06-H03b

Representor: Broom

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H3: Regeneration opportunity areas (Strategic policy)

Paragraph: -

Site: North Gate (Regeneration opportunity area)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy H3 [bold]

Policy H3 identifies Regeneration Opportunity Areas at Marsh Barton and North Gate and offers to support to development proposals for residential and a wider mix of uses that make more efficient use of brownfield land subject to criteria.

The EDNA (2023) notes that Exeter is the main office location in Greater Exeter, but that it has insufficient employment land to meet the forecast demand for both offices and industrial development between 2020-2040. The EDNA suggests demand for 21ha (middle range) of office land versus 4ha of supply and 50ha (middle range) of industrial land versus a supply of 7ha. In response, the Exeter Plan allocates only 3 sites for transformational employment uses amounting to 15.5ha and only two of the five strategic residential-led mixed use allocations include a requirement for new employment provision.

Whilst the omission of North Gate and high performing employment land at Marsh Barton as formal residential-led allocations is welcomed, their identification as regeneration opportunity areas still has the potential to result in a net loss of employment land in Exeter, further worsening the employment land supply shortage. The Exeter Plan does not meet the employment needs of Exeter as it fails to make available sufficient land for employment provision, particularly for industrial uses. Policy H3 will assist in compounding the employment land shortage.

ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning

Committee here [embedded link:

<https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DC's Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Para. 7.6 of the Exeter Plan states that [italic] 'the partner authorities (the City Council, East Devon, Mid Devon and Teignbridge District Councils and Devon County Council) are committed to continuing to work together, in accordance with the duty to cooperate, to address any shortfall in employment land to ensure the continued economic success of the wider area'. [italic]

However, EDDC propose to object to the Exeter Plan as set out in a report to the EDDC Strategic Planning Committee on the 4th February 2025 (See EDDC Report SPC here [embedded link: <https://democracy.eastdevon.gov.uk/documents/s26150/3.%20Exeter%20Reg%2019%20Local%20Plan%20consultation.pdf>]). The objection is on the basis that it fails to make available sufficient land for employment provision. EDDC Officer's recommended response recognises that the Exeter Plan does not refer to the Exeter specific employment land requirement nor how the Exeter Plan has addressed this need. It notes that the Exeter Plan fails to state that it will meet an Exeter quantified need and that 'no request has been made under the duty to co-operate for East Devon District Council to assist in meeting the employment land need identified in the EDNA. The land identified in the emerging East Devon Local Plan 2020-2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.'

Whilst not explicit in the Exeter Plan, as suggested by EDDC, the Exeter Plan appears to rely on the collective land supply for employment across the sub-region, without formal request under the duty to co-operate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Further, ECC is not meeting its historic shortfall within its housing allocations and has not made a formal request to neighbouring authorities to assist in meeting this shortfall under the duty to cooperate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Our Client's land, whilst located in East Devon, is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter. Consideration should be given to suitable greenfield sites where new homes can be delivered with more certainty.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the

issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-07-06-H03

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H3: Regeneration opportunity areas (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Policy H3 (Regeneration opportunity areas) is worded as follows:

Development proposals for residential and a wider mix of uses that make more efficient use of brownfield land will be supported where they:

- a) Deliver sustainable development that conforms to the spatial strategy;
- b) Enhance the urban environment;
- c) Achieve acceptable levels of amenity for new and existing residents;
- d) Avoid adverse impacts on the operation of existing uses; and
- e) Ensure no loss of employment floorspace.

Opportunities for regeneration may occur anywhere within the urban boundary. However, specific potential is identified in the Marsh Barton and North Gate Regeneration Opportunity Areas.

Whilst the Client broadly supports the promotion of brownfield land for the development of residential and a wider mix of uses, the following comments are made on the inclusion of this new policy wording:

Modifications: Whilst the Client broadly supports the promotion of brownfield land for the development of residential and a wider mix of uses, the following comments are made on the inclusion of this new policy wording:

- *“Residential and a wider mix of uses”* does not provide clarification that other types of accommodation would also be suitable for these sites including PBSA.
- The Client also recommends that the policy wording is amended to remove the ‘Ensure no loss of employment floorspace’ criteria for locations such as East Gate, where the site has been identified as a strategic mixed use brownfield site, suitable for regeneration and allocated for a large housing capacity. It should instead be clearly stated that there are no restrictions on the loss of employment space as other uses may make more efficient use of the land.

- On the basis that 'brownfield land' would include the allocated 'Strategic mixed use brownfield sites' such as East Gate, the wording of Part e. of this policy also directly contradicts with the wording of the supporting text of Policy EJ2 (Retention of employment land):

“However, it is also important to make the most efficient use of land and, in a rapidly changing economy, it may be that some sites outside the established employment areas should be released for other uses...”

Existing employment land can also provide new opportunities for regeneration, combining housing and employment in ways that make more efficient use of land and meet the needs of growth sectors now and in the future. Importantly, such proposals will need to comply with Policy H3: Regeneration opportunity areas.” *[italic]*

- As detailed in the relevant section below, the Client also believes that the wording of Policy EJ2 is currently contradictory to both itself and its supporting text and should state that:

“Elsewhere [outside employment areas], the loss of employment land to an alternative use may be considered acceptable where the site is allocated for mixed use redevelopment” *[italic]*

- As such, the current criteria e. of Policy H3 would also conflict with the Policy wording of EJ2 as Policy EJ2 would allow for the loss of employment uses at strategic mixed use brownfield sites whereas Policy H3 resists the loss of employment uses on all brownfield land.

- The Client recommends that the wording of Policy H3 is amended to align with that of Policy EJ2. This will allow flexibility on the loss of employment uses, especially where there are vacancies or where the regeneration of the Site to other uses would make more efficient use of the land.

- Following the publication of the updated NPPF in December 2024, the Policy should also be updated to reflect the new wording of the NPPF paragraph 125 which states that substantial weight should be given *[italic]* “to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused”. *[italic]*

Recommendation: **The wording of Policy H3 is amended to a) clarify that PBSA is also supported in these location, b) remove criteria e and c) reflect the updated wording of the NPPF.**

Requested to attend examination?: Yes

Ref: C-35-06-H03a

Representor: Stuart Partners Ltd 24001

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H3: Regeneration opportunity areas (Strategic policy)

Paragraph: -

Site: Marsh Barton (Regeneration opportunity area)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy H3 [bold]

Policy H3 identifies Regeneration Opportunity Areas at Marsh Barton and North Gate and offers to support to development proposals for residential and a wider mix of uses that make more efficient use of brownfield land subject to criteria.

The EDNA (2023) notes that Exeter is the main office location in Greater Exeter, but that it has insufficient employment land to meet the forecast demand for both offices and industrial development between 2020-2040. The EDNA suggests demand for 21ha (middle range) of office land versus 4ha of supply and 50ha (middle range) of industrial land versus a supply of 7ha. In response, the Exeter Plan allocates only 3 sites for transformational employment uses amounting to 15.5ha and only two of the five strategic residential-led mixed use allocations include a requirement for new employment provision.

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ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter.

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The evidence shows a failure in the DTC.

Para. 7.6 of the Exeter Plan states that 'the partner authorities (the City Council, East Devon, Mid Devon and Teignbridge District Councils and Devon County Council) are committed to continuing to work together, in accordance with the duty to cooperate, to address any shortfall in employment land to ensure the continued economic success of the wider area'.

However, EDDC propose to object to the Exeter Plan as set out in a report to the EDDC Strategic Planning Committee on the 4th February 2025 (See EDDC Report SPC here). The objection is on the basis that it fails to make available sufficient land for employment provision. EDDC Officers recommended response recognises that the Exeter Plan does not refer to the Exeter specific employment land requirement nor how the Exeter Plan has addressed this need. It notes that the Exeter Plan fails to state that it will meet an Exeter quantified need and that [italic] 'no request has been made under the duty to co-operate for East Devon District Council to assist in meeting the employment land need identified in the EDNA. The land identified in the emerging East Devon Local Plan 2020-2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.' [italic]

Whilst not explicit in the Exeter Plan, as suggested by EDDC, the Exeter Plan appears to rely on the collective land supply for employment across the sub-region, without formal request under the duty to co-operate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Further, ECC is not meeting its historic shortfall within its housing allocations and has not made a formal request to neighbouring authorities to assist in meeting this shortfall under the duty to cooperate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter. Consideration should be given to suitable greenfield sites where new homes can be delivered with more certainty.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-35-06-H03b

Representor: Stuart Partners Ltd 24001

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H3: Regeneration opportunity areas (Strategic policy)

Paragraph: -

Site: North Gate (Regeneration opportunity area)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy H3 [bold]

Policy H3 identifies Regeneration Opportunity Areas at Marsh Barton and North Gate and offers to support to development proposals for residential and a wider mix of uses that make more efficient use of brownfield land subject to criteria.

The EDNA (2023) notes that Exeter is the main office location in Greater Exeter, but that it has insufficient employment land to meet the forecast demand for both offices and industrial development between 2020-2040. The EDNA suggests demand for 21ha (middle range) of office land versus 4ha of supply and 50ha (middle range) of industrial land versus a supply of 7ha. In response, the Exeter Plan allocates only 3 sites for transformational employment uses amounting to 15.5ha and only two of the five strategic residential-led mixed use allocations include a requirement for new employment provision.

Whilst the omission of North Gate and high performing employment land at Marsh Barton as formal residential-led allocations is welcomed, their identification as regeneration opportunity areas still has the potential to result in a net loss of employment land in Exeter, further worsening the employment land supply shortage. The Exeter Plan does not meet the employment needs of Exeter as it fails to make available sufficient land for employment provision, particularly for industrial uses. Policy H3 will assist in compounding the employment land shortage.

ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-

covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [embedded link: https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DC's Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Para. 7.6 of the Exeter Plan states that 'the partner authorities (the City Council, East Devon, Mid Devon and Teignbridge District Councils and Devon County Council) are committed to continuing to work together, in accordance with the duty to cooperate, to address any shortfall in employment land to ensure the continued economic success of the wider area'.

However, EDDC propose to object to the Exeter Plan as set out in a report to the EDDC Strategic Planning Committee on the 4th February 2025 (See EDDC Report SPC here). The objection is on the basis that it fails to make available sufficient land for employment provision. EDDC Officers recommended response recognises that the Exeter Plan does not refer to the Exeter specific employment land requirement nor how the Exeter Plan has addressed this need. It notes that the Exeter Plan fails to state that it will meet an Exeter quantified need and that [italic] 'no request has been made under the duty to co-operate for East Devon District Council to assist in meeting the employment land need identified in the EDNA. The land identified in the emerging East Devon Local Plan 2020-2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.' [italic]

Whilst not explicit in the Exeter Plan, as suggested by EDDC, the Exeter Plan appears to rely on the collective land supply for employment across the sub-region, without formal request under the duty to co-operate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Further, ECC is not meeting its historic shortfall within its housing allocations and has not made a formal request to neighbouring authorities to assist in meeting this shortfall under the duty to cooperate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter. Consideration should be given to suitable greenfield sites where new homes can be delivered with more certainty.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Requested to attend examination?: Yes

Ref: F-02-06-H03

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H3: Regeneration opportunity areas (Strategic policy)

Paragraph: -

Site: North Gate (Regeneration opportunity area)

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: Special attention is required, and not been shown, in this strategic policy in relation to listed buildings, heritage settings and conservation areas (as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 (sections 66 and 72)) and the Area of Archaeological Importance.

The policy does not give regard to the Levelling Up and Regeneration Act 2023: "no negative harm to heritage duty to have 'special regard' to the desirability of preserving or enhancing designated heritage assets and the statutory status for Historic Environment Records (HERs) [1].

The Ancient Monuments and Archaeological Areas Act 1979 requires scheduled ancient monument consent for most works which will affect a scheduled monument but is not required for works that will affect its setting. So, given the heritage significance of the City Wall - where it is designated in both areas of archaeological significance (policy map) AND the brownfield site register and/or a strategic site (see earlier reference) - specific policy is required to address the matter of protecting and enhancing the setting of this heritage asset.

Exeter is one of only five such areas have ever been designated as an area of Archeological Importance. Sections 33-35, Ancient Monuments and Archaeological Areas Act, 1979 [2] The policies map [3] clearly identifies where the overlap of HH1 - Area Of Archaeological Importance, H3 - Regeneration Opportunity Areas and indeed H2 - Strategic Mixed-Use Brownfield Sites but the policy fails to demonstrate hoe such areas will be protected and treated in policy terms in these areas.

The policy is not consistent with NPPF policy (paras. 196 & 212 & glossary [4]) in relation to Exeter's protection, enhancement and setting of heritage assets, as many of the regeneration sites are in or partially in archaeological importance, nor is it consistent with the proposed heritage policies in section 11 of which the preamble clause 11.19 talks (emphasis mine) of "[bold] Heritage-led regeneration [bold] and the positive role that Exeter's heritage plays in local identity is a key factor in development."

Many of the Liveable Exeter sites are located in or near the city centre (see policies map [5]) which is an area of significant archaeological interest and enjoys many historic assets, not least the City Wall [6] (Scheduled Monument). Some of the heritage sites are on land which have been designated as Brownfield sites [7] and will be the focus of regeneration.

Water Lane: 151,861

East Gate: 145 609

Red Cow: 146 442
Exe Bridges Retail Park: 142 201
South Gate: 4681 [8]

Additionally Northgate is a regeneration opportunity area.

However their protection, enhancement and setting is not recognised in this strategic policy H3 and the policy does not use the supporting evidence to include a relevant policy measure, given the significance of the City's heritage.

The Heritage Impact Assessment evidence says LPA policy should "avoid harming the significance of both designated and non-designated heritage assets, including effects on their setting. At the same time, the allocation of sites for development may present opportunities for the significance of the historic environment to be better revealed and celebrated." (as set out in the supporting evidence) [9]

However no consideration has been given in the LP assessment of brownfield sites [10] of the impact of regeneration on heritage in the relevant areas as part of the local plan process, the approach is one of heritage impact assessment being undertaken in an approach where there is a presumption in favour of sustainable development unless that development does not meet the policies within the document which protect areas or assets of particular importance. This policy fails to offer that protection.

Furthermore the Heritage Impact assessment contains an appendix from Heritage England as follows:

"In order to ensure that the Plan will meet the NPPF tests of soundness (i.e. that it is effective, justified, deliverable and consistent with national policy) in relation to the historic environment, we recommend:

- A strategic evidence base relating to key views and settings, to inform design parameters (such as protected views, heights, densities, or layouts as appropriate) contained in policy criteria, and to inform detailed proposals and planning decisions. This could include views into, out of, and across Exeter including historically significant views (e.g. views of/from the Cathedral and City Walls) and the relationship between the historic city, its skyline and its landscape setting.
- Alternatively, a proportionate Heritage Impact Assessment of proposed site allocations, including consideration of the matters above (where relevant) to inform site capacities and policy criteria."

This report has not yet been published at this point in time, in order to inform design parameters and policy criteria. Work to consider these issues has begun and such a report is further recommended [11] In order to be justified and consistent with policy, H3 should therefore set out a policy in relation to the role of heritage in the regeneration opportunity areas.

[italic] To Note: It should be noted that the following Appendices to Exeter Brownfield Sites study [12] :

Strategic Brownfield Sites Study, LDA Design, January 2018 (Appendix A)

Brownfield Sites Visioning Study, LDA Design, September 2018 (Appendix B)

Liveable Exeter: A Housing Delivery Programme, Exeter City Council, March 2019 (Appendix C) listed in the introduction to the report were not included in the evidence base on the Councils Common Place web portal for the official consultation. I had to search out and access the appendices via East Devon Council planning portal for

the GESP [13], so I am not clear if these appendices to the report are considered evidence or not. Please see attachments. [italic]

[Footnotes]

[1] [Embedded link: https://www.legislation.gov.uk/ukpga/2023/55/pdfs/ukpga_20230055_en.pdf]

[2] www.HistoricEngland.org.uk/advice/hpg/has/archaeologicalimportance/

[3] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733698496/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Policies%20Map.pdf/xskho0urvbmjjgvow5ts.pdf>]

[4] NPPF glossary: "The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage assets physical presence, but also from its setting."

[5] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733698519/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Policies%20Map-City%20Centre.pdf/ck8pvo84mcd8hjkiw9t.pdf>]

[6] [Embedded link: <https://historicengland.org.uk/listing/the-list/list-entry/1003858>]

[7] [Embedded link: <https://exeter.gov.uk/planning-services/registers/brownfield-land-register/>]

[8] [Embedded link: <https://exeterplanpublication.commonplace.is/en-GB/proposals/strategic-mixed-use-brownfield-allocation-sba5-south-gate/step1>]

[9] [Embedded link: https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733964220/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Heritage%20Impact%20Assessment_upload.pdf/em3r04zfgnabkgeu0z4b.pdf]

[10] [Embedded link: <https://exeter.gov.uk/media/jgsjtbzu/2020-exeter-brownfield-sites-study.pdf>]

[11] [Embedded link: <https://historicengland.org.uk/content/docs/committees-panels/historic-places-panel-review-paper-exeter-sep24/>]

[12] [Embedded link: <https://exeter.gov.uk/media/jgsjtbzu/2020-exeter-brownfield-sites-study.pdf>]

[13] Planning websites - Brownfield Sites Report Appendix A.pdf - All Documents

Modifications: To set out a specific policy in relation to heritage in policy H3 (see below) in regeneration opportunity areas

Add

[italic] "f. positively protect and enhance, the significance of, a heritage site, monument or structure of National Archaeological importance or their setting. Development which causes harm will not be supported." [italic]

For the reasons describe above:

1. enable heritage led regeneration (policy in plan),
2. legal compliance
3. consistency with NPPF
4. appropriate response to LP evidence base.

Requested to attend examination?: Yes

Ref: G-08-06-H03

Representor: Emma Townsend

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H3: Regeneration opportunity areas (Strategic policy)

Paragraph: -

Site: Marsh Barton (Regeneration opportunity area)

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: The regeneration area of 'Marsh Barton' requires geographical reference points. There is a risk of incoherent, small scale random proposals coming forwards which do not ultimately achieve the principles set for this policy. It would be better to indicate an area on a map or name specific roads, perhaps adjacent to Water Lane.

Modifications: Add - regeneration area in Marsh Barton in area bordered by / shown on map.

Requested to attend examination?: No

Ref: C-03-06-H04

Representor: Anne Codner

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H4: Affordable housing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: We are in general support of the delivery of affordable housing subject to viability, however, have the following comments in relation to draft Policy H4. These comments should be read alongside the response to draft Policy IF2 (Viability) below.

- Although the supporting text to draft Policy H4 (paragraphs 6.16 and 6.17) references the Exeter Local Housing Needs Assessment as evidence, it is not clear from our review how the proposed tenure splits have been arrived at on the basis of the evidence available. Therefore in the first instance we have to assume this is unjustified.

Subject to justification and/or the amendments proposed, we consider this draft Policy would be sound.

Modifications: Notwithstanding the above, there will inevitably be locational variations in need for different tenures of affordable product, even within a modestly sized administrative area such as Exeter City's. To ensure that the Plan helps to deliver development that truly meets the needs of Exeter City, the draft Policy or its supporting text should be updated to acknowledge that the specified tenure splits are a starting point and that up to date evidence on need and site specific constraints, as well as viability, can and should be matters to be taken into account at planning application stage for all major schemes, regardless of whether they are on greenfield or brownfield land.

Requested to attend examination?: Yes

Ref: C-04-06-H04

Representor: Blocwork

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H4: Affordable housing (Strategic policy)

Paragraph: -

Site: SBA3: Red Cow (Site Ref. 146)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Policy H4 should allow for a flexible site-specific approach when it comes to affordable housing provision across the city. We believe this would be better than setting a default threshold as it ensures the policy remains deliverable to and responsive to local needs.

Recognising that viability varies across different locations within Exeter and development typologies, affordable housing thresholds should be informed by what can be achieved in that area, taking into account of viability, deliverability, local needs and other requirements, consistent with paragraph 35 of the NPPF.

A more localised approach to affordable housing thresholds should be considered further to the greenfield and brownfield threshold approach outlined. A localised approach would mean that affordable housing delivery could vary from site to site with provision sometimes lower than the overall policy target, taking account of the impact of other non-residential uses (health centre, education uses, social and community uses, work space) on the ability to reach the levels of affordable housing that would be possible on similar sites if they were purely residential.

Modifications: Policy H4 should allow for a flexible site-specific approach when it comes to affordable housing provision across the city. We believe this would be better than setting a default threshold as it ensures the policy remains deliverable to and responsive to local needs.

Recognising that viability varies across different locations within Exeter and development typologies, affordable housing thresholds should be informed by what can be achieved in that area, taking into account of viability, deliverability, local needs and other requirements, consistent with paragraph 35 of the NPPF.

A more localised approach to affordable housing thresholds should be considered further to the greenfield and brownfield threshold approach outlined. A localised approach would mean that affordable housing delivery could vary from site to site with provision sometimes lower than the overall policy target, taking account of the impact of other non-residential uses (health centre, education uses, social and community uses, work space) on the ability to reach the levels of affordable housing that would be possible on similar sites if they were purely residential.

Requested to attend examination?: Yes

Ref: C-06-06-H04

Representor: Broom

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H4: Affordable housing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy H4 [bold]

Proposed Policy H4 requires that brownfield land of over 0.5ha or 10 homes, provides a minimum percentage of 15% as affordable housing with a split of, social rent 50% and affordable home ownership (50%). Whilst this is a substantially lower target than the adopted Core Strategy Policy CP7 which requires 35% of market dwellings to be secured as affordable housing, recent ECC planning decisions confirm that even on large scale strategic brownfield sites (with Water Lane being noted as the largest strategic mixed use brownfield site (para.16.11)), developments (including 23/1007/OUT Water Lane) are still being found unviable even without any affordable housing provision.

Paragraph 6.16 of the Exeter Plan states that the targets and tenure split in policy H4 are set in light of the need for affordable housing in the city identified by the 2024 Exeter Local Housing Needs Assessment (LHNA) and the viability assessment of the Plan, with the latter confirming that different affordable housing targets must be set for brownfield and greenfield sites to ensure that residential development in Exeter is viable. Further, it states that overall, it is likely that policy H4 will deliver approximately 20% of homes as affordable, while grants and other subsidies will be used to increase the number of affordable homes delivered.

Brownfield Redevelopment and Affordable Housing Delivery

Strategic mixed use brownfield allocation SBA1 Water Lane, a site of 36.2 hectares is identified as delivering mixed use development including 1,861 homes. The policy notes that affordable housing will be required in accordance with policies H4, H5 and H6, indicating an affordable housing provision of 15%.

980 of these homes are subject to planning application reference 23/1007/OUT. This application was assessed against Core Strategy Policy CP7 which requires 35% of market dwellings to be secured as affordable housing (with the NPPG suggesting that 20% of build to rent accommodation should be affordable private rent) subject to viability. The ECC Planning Committee has recently resolved to approve this application, in accordance with the Officer recommendation See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]. The recommendation concluded that the development is unviable both with and without affordable housing provision.

A Financial Viability Appraisal (FVA) was included within the application submission, assessed by an independent consultant and considered to be consistent with the RICS Practice Statement and Guidance. The independent assessment of the FVA confirmed that the viability gap is substantial and that the development is unviable. The Committee Report confirms that, due to significant abnormal and additional costs in bringing this brownfield site forward, the development would not be able to provide affordable housing in addition to the infrastructure funding. The Committee Report confirmed that still, even without affordable housing provision, the development is unlikely to proceed without external subsidy or other intervention. Any grant of outline permission is not therefore an indication that this development will come forward with or without affordable housing.

The conclusions of the application FVA is a stark contrast to the findings of the Viability Assessment (VA) of the Exeter Plan (para. 6.5) which found that the brownfield higher density allocations of VA1 Exeter central (which includes SBA1 Water Lane), [italic] 'are broadly viable as tested and able to deliver the general policy requirements'. [italic] The VA (para.6.8) caveats that [italic] 'there is little detail available on site costs or funding mechanisms for the allocation specific policies' [italic] and that [italic] 'the approach taken within the viability assessment is to separately test the likely forms of development and tenures and consider the viability headroom available to meet any site specific cost implications'. [italic] Further, the VA assumes lower values than existing use values, i.e. the viability assumes brownfield land values not existing high value employment use values, resulting in unrealistic outcomes when determining the viability of the Exeter Plan. In light of this (and in noting the outcome of 23/1007/OUT), the accuracy and reliability of the findings of the VA with regard to brownfield allocations is highly questionable. See Viability Assessment of Exeter Plan here [embedded link: https://exeter.gov.uk/media/au0dcvqt/local-plan-viability-assessment_final.pdf]

Application reference 23/1007/OUT Water Lane (South) demonstrates that brownfield sites cannot be a reliable source of affordable housing delivery, and in this case housing delivery generally.

A further example of the complexities surrounding brownfield redevelopment as a mechanism to deliver affordable housing is application reference 24/0911/MDO for the Harlequin Centre, Paul Street, Exeter. This application was for the modification of an existing S106 agreement attached to application reference 21/1104/FUL to pay a financial contribution in lieu of provision of affordable private rent units to improve scheme viability. See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/mgAi.aspx?ID=62177>]

In 2022, a development of 383 co-living bedspaces (sui generis) was approved, including 55 affordable studios and 21 affordable cluster bedspaces with priority given to essential local workers. The Committee Report concluded that 20% of housing, noting that it is a buy to rent scheme, should be affordable private rent in accordance with NPPG benchmark figures.

The Committee Report concluded that the original approved scheme is not financially viable and will not be delivered due to rising costs in the construction industry since the planning permission was granted. The Report noted that the removal of affordable private rent would increase the development value and would make the scheme more attractive to investors, which is needed to generate the development finance necessary to deliver the scheme.

Whilst in this case, a financial contribution has been secured, it highlights the viability implications on the delivery of development generally, and specifically the delivery of affordable housing, when the majority of housing delivery is focused on brownfield sites.

Further, it is noted that at the time of the Committee Report's publication, it could not be confirmed where the off-site financial contribution would be spent but that it could be used to unlock other sites in the City in need of investment. The Committee minutes also note that it would 'difficult to determine how many 1 and 2 bedroom

units Exeter City Council would acquire with the £7.5m' financial contribution.

Whilst a laudable aspiration, the above developments evidence that a Plan which focuses the majority of development on brownfield allocations cannot reliably achieve the affordable housing needs of the Exeter or the wider sub-region.

ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) housing needs, including affordable housing, broadly in line with the issues the subregion faces.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DC's Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Our Client's land, whilst located in East Devon, is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the persistent and significant shortfall in housing land supply (and so affordable housing provision) either by allocating additional land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing needs of Exeter. Consideration should be given to suitable greenfield sites where affordable housing delivery can be delivered with more certainty.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) housing needs including affordable housing needs broadly in line with the issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-08-06-H04

Representor: Churchill Living and McCarthy Stone

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H4: Affordable housing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

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

Supporting text paragraph 6.16 states

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

6.18 states

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

Representatives of Churchill Living and McCarthy Stone attended the joint East Devon and Exeter Plan wide viability study workshop in 2024. At this session it was highlighted that both developers had come forward with proposals in Exeter within the last number of years and encountered considerable delay and cost in dealing with viability matters on specific sites which included a costly appeal process which ultimately came down on the side of the applicant. Given the delay experienced, the developer in that case disposed of the site and did not implement the consent. It was also highlighted that in undertaking the plan wide viability assessment, it would be appropriate to test older persons housing typologies and then formulate specific affordable housing policy for this typology (similar to the specific build to rent policy in H5).

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

[italic] 5.13 Older persons housing has weaker viability than general housing: Extra care and care homes are not

viable under any of the circumstances tested although at the lower BLV tested extra care is marginal with no affordable housing and, Sheltered housing is only viable (with limited headroom) with no affordable housing. [italic]

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

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

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

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

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

[underline] BCP [underline]

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

Birmingham [embedded link] <https://consult.birmingham.gov.uk/kpse/event/0654FFCC-49F3-4487-B718-C8B43A312B8E/section/s171950550511421> [embedded link]

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

Charnwood [embedded link]

https://www.charnwood.gov.uk/files/documents/exam_81_schedule_of_main_modifications/EXAM%2081%20Schedule%20of%20Main%20Modifications.pdf [embedded link]

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

In addition, Fareham Borough Council [embedded link]

https://www.fareham.gov.uk/pdf/planning/local_plan/1.FLP2037.pdf [embedded link] recently adopted their new local plan and Policy HP5 of the plan states:

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

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

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

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

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

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

Text should be included to state.

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

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

Requested to attend examination?: Yes

Ref: C-11-06-H04

Representor: CR Down Farming Ltd and Stuart Partners Ltd

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H4: Affordable housing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Affordable Homes

In terms of affordable housing, Core Strategy Policy CP7 sets a target of 35%. This equates to some 4,200 affordable homes. The 2023/24 Monitoring Report confirms that in 18 out of the last 20 years, only 2,077 affordable homes have been delivered at an average of 115 per annum. If this trajectory continues for the last two years of the plan period, there would still be a deficit of 1,893 affordable homes.

It is notable that the failure to meet the delivery requirements for market and affordable housing has occurred despite there being large greenfield allocations made by the Core Strategy.

Draft EP Policy H4 sets a target of 35% and a brownfield target of 15%. Accompanying paragraph 6.16 confirms that overall, it is envisaged that 20% of all housing delivered will be affordable.

[...]

Furthermore, it is considered that the reliance upon brownfield sites to deliver a significant number of the housing needs will prejudice the delivery of affordable homes.

Draft EP Policy [H4] (Affordable Housing) sets out the broad requirements for when developments are required to deliver affordable housing, including the types and proportions of affordable housing required.

[screenshot image of Policy H4: Affordable housing]

As affordable housing is a negotiable contribution, it is highly likely that viability arguments associated with brownfield development could end up with schemes delivering a reduced number of affordable homes or none at all. This is already being seen in Exeter city centre with the co-living scheme at the Harlequins Centre now being reviewed such that the 76 affordable homes (at a level of 20%) have been removed from the scheme on viability grounds in lieu of a financial contribution for off-site delivery on an as yet unspecified site.

Modifications: -

Requested to attend examination?: Yes

Ref: C-15-06-H04

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H4: Affordable housing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Edenstone are in general support of the delivery of affordable housing subject to viability, however, have the following comments in relation to draft Policy H4. These comments should be read alongside the response to draft Policy IF4 (Viability) below.

- Although the supporting text to draft Policy H4 (paragraphs 6.16 and 6.17) references the Exeter Local Housing Needs Assessment as evidence, it is not clear from our review how the proposed tenure splits have been arrived at on the basis of the evidence available. Therefore in the first instance we have to assume this is unjustified.
- Notwithstanding the above, there will inevitably be locational variations in need for different tenures of affordable product, even within a modestly sized administrative area such as Exeter City's. To ensure that the Plan helps to deliver development that truly meets the needs of Exeter City, the draft Policy or its supporting text should be updated to acknowledge that the specified tenure splits are a starting point and that up to date evidence on need and site specific constraints, as well as viability, can and should be matters to be taken into account at planning application stage for all major schemes, regardless of whether they are on greenfield or brownfield land.

Subject to justification and/or the amendments proposed above, Edenstone consider this draft Policy would be sound.

Modifications: To ensure that the Plan helps to deliver development that truly meets the needs of Exeter City, the draft Policy or its supporting text should be updated to acknowledge that the specified tenure splits are a starting point and that up to date evidence on need and site specific constraints, as well as viability, can and should be matters to be taken into account at planning application stage for all major schemes, regardless of whether they are on greenfield or brownfield land.

Requested to attend examination?: Yes

Ref: C-25-06-H04

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H4: Affordable housing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Morgan Real Estate are in general support of the delivery of affordable housing subject to viability, however, have the following comments in relation to draft Policy H4. These comments should be read alongside the response to draft Policy IF4 (Viability) below.

- Although the supporting text to draft Policy H4 (paragraphs 6.16 and 6.17) references the Exeter Local Housing Needs Assessment as evidence, it is not clear from our review how the proposed tenure splits have been arrived at on the basis of the evidence available. Therefore in the first instance we have to assume this is unjustified.
- Notwithstanding the above, there will inevitably be locational variations in need for different tenures of affordable product, even within a modestly sized administrative area such as Exeter City's. To ensure that the Plan helps to deliver development that truly meets the needs of Exeter City, the draft Policy or its supporting text should be updated to acknowledge that the specified tenure splits are a starting point and that up to date evidence on need and site specific constraints, as well as viability, can and should be matters to be taken into account at planning application stage for all major schemes, regardless of whether they are on greenfield or brownfield land.

Subject to justification and/or the amendments proposed above, Morgan Real Estate consider this draft Policy would be sound.

Modifications: [...]

- To ensure that the Plan helps to deliver development that truly meets the needs of Exeter City, the draft Policy or its supporting text should be updated to acknowledge that the specified tenure splits are a starting point and that up to date evidence on need and site specific constraints, as well as viability, can and should be matters to be taken into account at planning application stage for all major schemes, regardless of whether they are on greenfield or brownfield land.

Requested to attend examination?: Yes

Ref: C-32-06-H04

Representor: South West Housing Association Planning Consortium

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H4: Affordable housing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Paragraph 6.15 provides a definition for affordable housing. In order for the Plan to stay up to date and to ensure longevity, it would be more appropriate for the Plan to refer readers to Annex 2 of the NPPF which contains the national definition for affordable housing. This would ensure that any changes to the national definition for affordable housing over the Exeter Plan period would be accounted for.

Draft Policy H4: Affordable Housing (Strategic Policy)

Draft Policy H4 states that affordable housing will be required on developments of 10 dwellings or more or with a site area of 0.5 hectares or more. This is appropriate and in accordance with the NPPF (2024). The policy also outlines that on greenfield sites, at least 35% of proposed homes should be provided as affordable homes (positively noted this is no reduction on the existing adopted Core Strategy policy), and on brownfield sites, at least 15% of proposed homes should be provided as affordable housing. This is guided by the most recent 2024 Exeter Local Housing Needs Assessment (2024 LHNA) and the SWHAPC is satisfied that an up-to-date housing needs assessment has been used to inform the policy requirements.

Draft Policy H4 adds that affordable housing should comprise 50% homes for social rent and 50% for affordable home ownership. The decision to prioritise social rent over affordable rent is justified at paragraph 6.17, and the SWHAPC is satisfied that this is a suitable approach. However, the SWHAPC has concerns that the 50% remaining balance allocated for 'affordable home ownership' may not encourage the delivery of much needed products such as shared ownership and could instead be used entirely on the delivery of First Homes. We use this opportunity to flag that the requirement to deliver a minimum of 25% of affordable housing as First Homes, as set out in 'Affordable Homes Update' Written Ministerial Statement dated 24 May 2021, no longer applies. Footnote 31 of the NPPF (December 2024) states that the delivery of First Homes can, however, continue where local planning authorities judge that they meet local need.

The SWHAPC has long had concerns about First Homes and its potential implications on the delivery of traditional forms of affordable housing. The SWHAPC accepts that First Homes will assist some first time buyers in entering the property market, but it will likely not help as many households as shared ownership currently does. Shared ownership is a more accessible form of homeownership which can start with a 25% share and in most cases permits staircasing up to 100% of the property value. As such, it is a flexible affordable home ownership product that allows households to enter home ownership with a small deposit and to staircase to full ownership over time. For these reasons it may be more appropriate for the Council to maximise the delivery of shared ownership by allowing 50% shared ownership on site for the home ownership element of a scheme.

Draft Policy H4 part 'c' sets out that affordable homes must be retained as affordable in perpetuity. National policy only makes one reference to securing affordable housing in perpetuity, which is in reference to rural exception sites in Annex 2 of the NPPF (December 2024), which states:

“Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing....” *[Emphasis added]*

This principle with regard to rural exception sites is appropriate and supported by the SWHAPC as it helps to secure land for delivery of affordable housing in rural areas where housing delivery would otherwise not be supported. However, a blanket approach to securing affordable housing in perpetuity can cause issues for several reasons. Firstly, it restricts lenders' appetite to fund development, as mortgage provision becomes more difficult with greater restrictions on individual properties. Private companies will not typically invest in developments if there is no prospect of realising the original investment and any returns. As such, affordable housing should only be secured in perpetuity on rural exception sites. The SWHAPC requests that, in line with national planning policy, the policy wording is changed to only relate to rural exception sites.

The SWHAPC notes the point raised in supporting paragraph 6.21 which states that affordable housing should be provided in clusters of no more than 10 units. There is no guidance as to what size of site this applies to. This pepper potting approach has practical implications for housing associations when it comes to the management of their housing stock. It's also worth considering that there may be developments that are proposed as 100% affordable, which could be hindered by the wording used in the supporting text.

Modifications: Paragraph 6.15 provides a definition for affordable housing. In order for the Plan to stay up to date and to ensure longevity, it would be more appropriate for the Plan to refer readers to Annex 2 of the NPPF which contains the national definition for affordable housing. This would ensure that any changes to the national definition for affordable housing over the Exeter Plan period would be accounted for.

[...] For these reasons it may be more appropriate for the Council to maximise the delivery of shared ownership by allowing 50% shared ownership on site for the home ownership element of a scheme.

[...] As such, affordable housing should only be secured in perpetuity on rural exception sites. The SWHAPC requests that, in line with national planning policy, the policy wording is changed to only relate to rural exception sites.

Requested to attend examination?: -

Ref: C-34-06-H04

Representor: Stuart Partners Ltd 18002

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H4: Affordable housing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy H4 [bold]

Proposed Policy H4 requires that brownfield land of over 0.5ha or 10 homes, provides a minimum percentage of 15% as affordable housing with a split of, social rent 50% and affordable home ownership (50%). Whilst this is a substantially lower target than the adopted Core Strategy Policy CP7 which requires 35% of market dwellings to be secured as affordable housing, recent ECC planning decisions confirm that even on large scale strategic brownfield sites (with Water Lane being noted as the largest strategic mixed use brownfield site (para.16.11)), developments (including 23/1007/OUT Water Lane) are still being found unviable even without any affordable housing provision.

Paragraph 6.16 of the Exeter Plan states that the targets and tenure split in policy H4 are set in light of the need for affordable housing in the city identified by the 2024 Exeter Local Housing Needs Assessment (LHNA) and the viability assessment of the Plan, with the latter confirming that different affordable housing targets must be set for brownfield and greenfield sites to ensure that residential development in Exeter is viable. Further, it states that overall, it is likely that policy H4 will deliver approximately 20% of homes as affordable, while grants and other subsidies will be used to increase the number of affordable homes delivered.

[underline] Brownfield Redevelopment and Affordable Housing Delivery [underline]

Strategic mixed use brownfield allocation SBA1 Water Lane, a site of 36.2 hectares is identified as delivering mixed use development including 1,861 homes. The policy notes that affordable housing will be required in accordance with policies H4, H5 and H6, indicating an affordable housing provision of 15%.

980 of these homes are subject to planning application reference 23/1007/OUT. This application was assessed against Core Strategy Policy CP7 which requires 35% of market dwellings to be secured as affordable housing (with the NPPG suggesting that 20% of build to rent accommodation should be affordable private rent) subject to viability. The ECC Planning Committee has recently resolved to approve this application, in accordance with the Officer recommendation See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]. The recommendation concluded that the development is unviable both with and without affordable housing provision.

A financial Viability Appraisal (FVA) was included within the application submission, assessed by an independent consultant and considered to be consistent with the RICS Practice Statement and Guidance. The independent assessment of the FVA confirmed that the viability gap is substantial and that the development is unviable. The Committee Report confirms that, due to significant abnormal and additional costs in bringing this brownfield site forward, the development would not be able to provide affordable housing in addition to the infrastructure funding. The Committee Report confirmed that still, even without affordable housing provision, the development is unlikely to proceed without external subsidy or other intervention. Any grant of outline permission is not therefore an indication that this development will come forward with or without affordable housing.

The conclusions of the application FVA is a stark contrast to the findings of the Viability Assessment (VA) of the Exeter Plan (para. 6.5) which found that the brownfield higher density allocations of VA1 Exeter central (which includes SBA1 Water Lane), [italic] 'are broadly viable as tested and able to deliver the general policy requirements' [italic]. The VA (para.6.8) caveats that [italic] 'there is little detail available on site costs or funding mechanisms for the allocation specific policies' and that 'the approach taken within the viability assessment is to separately test the likely forms of development and tenures and consider the viability headroom available to meet any site specific cost implications' [italic]. Further, the VA assumes lower values than existing use values, i.e. the viability assumes brownfield land values not existing high value employment use values, resulting in unrealistic outcomes when determining the viability of the Exeter Plan. In light of this (and in noting the outcome of 23/1007/OUT), the accuracy and reliability of the findings of the VA with regard to brownfield allocations is highly questionable. See Viability Assessment of Exeter Plan here [embedded link: https://exeter.gov.uk/media/au0dcvqt/local-plan-viability-assessment_final.pdf]

Application reference 23/1007/OUT Water Lane (South) demonstrates that brownfield sites cannot be a reliable source of affordable housing delivery, and in this case housing delivery generally.

A further example of the complexities surrounding brownfield redevelopment as a mechanism to deliver affordable housing is application reference 24/0911/MDO for the Harlequin Centre, Paul Street, Exeter. This application was for the modification of an existing S106 agreement attached to application reference 21/1104/FUL to pay a financial contribution in lieu of provision of affordable private rent units to improve scheme viability. See Committee Agenda for Planning Committee here [<https://committees.exeter.gov.uk/mgAi.aspx?ID=62177>]

In 2022, a development of 383 co-living bedspaces (sui generis) was approved, including 55 affordable studios and 21 affordable cluster bedspaces with priority given to essential local workers. The Committee Report concluded that 20% of housing, noting that it is a buy to rent scheme, should be affordable private rent in accordance with NPPG benchmark figures.

The Committee Report concluded that the original approved scheme is not financially viable and will not be delivered due to rising costs in the construction industry since the planning permission was granted. The Report noted that the removal of affordable private rent would increase the development value and would make the scheme more attractive to investors, which is needed to generate the development fice necessary to deliver the scheme.

Whilst in this case, a financial contribution has been secured, it highlights the viability implications on the delivery of development generally, and specifically the delivery of affordable housing, when the majority of housing delivery is focused on brownfield sites.

Further, it is noted that at the time of the Committee Reports publication, it could not be confirmed where the off-site financial contribution would be spent but that it could be used to unlock other sites in the City in need of

investment. The Committee minutes also note that it would [italic] 'difficult to determine how many 1 and 2 bedroom units Exeter City Council would acquire with the £7.5m' [italic] financial contribution.

Whilst a laudable aspiration, the above developments evidence that a Plan which focuses the majority of development on brownfield allocations cannot reliably achieve the affordable housing needs of the Exeter or the wider sub-region.

ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) housing needs, including affordable housing, broadly in line with the issues the subregion faces.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [embedded link: https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DC's Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Our Client's land, whilst located in East Devon, is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the persistent and significant shortfall in housing land supply (and so affordable housing provision) either by allocating additional land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing needs of Exeter. Consideration should be given to suitable greenfield sites where affordable housing delivery can be delivered with more certainty.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) housing needs including affordable housing needs broadly in line with the issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-36-06-H04

Representor: Taylor Wimpey

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H4: Affordable housing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The policy identifies an affordable housing requirement of at least 35% on qualifying sites. It is recognised that this is a 'roll-over' of the current plan requirement, identified in Core Strategy policy CP7.

Table 3 of the 2023/24 AMR clearly highlights that in the majority of years since the adoption of the Core Strategy (2006) overall delivery of 35% affordable housing has only been achieved twice in 2008/09 and 2009/10. Whilst it is acknowledged that not every site will contribute to affordable housing delivery, due to the site size threshold, only 24% of all dwellings delivered have been affordable since 2006/07. The gap between the policy and actual delivery is, therefore circa 11%, this suggests that many developments cannot fully meet the current requirements. Indeed, it is notable that since 2019/20 no year has delivered more than 19% of the supply as affordable dwellings.

The inclusion of additional policy requirements, as discussed against other policies in the plan will only serve to worsen this situation.

Table 5.4: Affordable housing as a percentage of non-PBSA dwellings

Year: 2006/7

Housing Delivery (non-PBSA): 891

Affordable Delivery: 247

% Affordable of Total Delivery: 27.72

Year: 2007/8

Housing Delivery (non-PBSA): 491

Affordable Delivery: 97

% Affordable of Total Delivery: 19.76

Year: 2008/9

Housing Delivery (non-PBSA): 236

Affordable Delivery: 126

% Affordable of Total Delivery: 53.39

Year: 2009/10

Housing Delivery (non-PBSA): 270

Affordable Delivery: 206
% Affordable of Total Delivery: 76.30

Year: 2010/11
Housing Delivery (non-PBSA): 432
Affordable Delivery: 142
% Affordable of Total Delivery: 32.87

Year: 2011/12
Housing Delivery (non-PBSA): 555
Affordable Delivery: 170
% Affordable of Total Delivery: 30.63

Year: 2012/13
Housing Delivery (non-PBSA): 87
Affordable Delivery: 26
% Affordable of Total Delivery: 29.89

Year: 2013/14
Housing Delivery (non-PBSA): 382
Affordable Delivery: 100
% Affordable of Total Delivery: 26.18

Year: 2014/15
Housing Delivery (non-PBSA): 483
Affordable Delivery: 75
% Affordable of Total Delivery: 15.53

Year: 2015/16
Housing Delivery (non-PBSA): 618
Affordable Delivery: 130
% Affordable of Total Delivery: 21.04

Year: 2016/17
Housing Delivery (non-PBSA): 508
Affordable Delivery: 83
% Affordable of Total Delivery: 16.34

Year: 2017/18
Housing Delivery (non-PBSA): 473
Affordable Delivery: 97
% Affordable of Total Delivery: 20.51

Year: 2018/19
Housing Delivery (non-PBSA): 621
Affordable Delivery: 160
% Affordable of Total Delivery: 25.76

Year: 2019/20

Housing Delivery (non-PBSA): 553
Affordable Delivery: 81
% Affordable of Total Delivery: 14.65

Year: 2020/21
Housing Delivery (non-PBSA): 348
Affordable Delivery: 40
% Affordable of Total Delivery: 11.49

Year: 2021/22
Housing Delivery (non-PBSA): 585
Affordable Delivery: 111
% Affordable of Total Delivery: 18.97

Year: 2022/23
Housing Delivery (non-PBSA): 462
Affordable Delivery: 78
% Affordable of Total Delivery: 16.88

Year: 2023/24
Housing Delivery (non-PBSA): 694
Affordable Delivery: 111
% Affordable of Total Delivery: 15.99

Total:
Housing Delivery (non-PBSA): 8,698
Affordable Delivery: 2,080
% Affordable of Total Delivery: 23.94

Source: Exeter CC Derived from Table 3 2023-2024 AMR

Modifications: -

Requested to attend examination?: -

Ref: C-38-06-H04

Representor: The Guinness Partnership Ltd

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H4: Affordable housing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: This policy seeks a requirement of 35% affordable housing on greenfield sites and 15% affordable housing on brownfield sites. In both scenarios, a tenure split of 50% social rent and 50% affordable home ownership. Part B of the policy refers to at least 30% of any First Homes delivered to meet the affordable home ownership requirement should be sold at a discount from market prices of at least 50%.

Firstly, the Exeter Plan should not be prescriptive about a particular tenure split as the actual requirement will almost certainly vary backwards and forwards multiple times over the 20 year plan period. For example, there is mention of First Homes that was recently introduced into the NPPF definition of affordable housing, however many Local Authorities aren't insisting on this provision due to lack of uptake of this model.

Secondly, the prescribed split doesn't take into account potential future changes in the NPPF definition of affordable housing that may introduce alternative tenures and/or remove current tenures included in the Policy.

Thirdly, assuming this split is based upon a current housing needs survey, that would only represent need at a snapshot in time. Over the course of the 20 year plan period, the particular tenure need is likely to fluctuate considerably beyond that contained in the draft policy. The appropriate tenure split will also be influenced by viability, with certain tenures performing better or worse at various points within the economic cycle. A ridged tenure split requirement over a long period of time is therefore not supported without the ability for adaption and flexibility.

Modifications: It is recommended that the tenure split of affordable housing is better dealt with in an accompanying Affordable Housing Supplementary Planning Document (SPD). The benefit of SPD's is that they can be reviewed more regularly than a Local Plan to take account of changes in the need and tenure for affordable housing.

Requested to attend examination?: -

Ref: C-40-06-H04

Representor: TT Group

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H4: Affordable housing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: TT Group are in general support of the delivery of affordable housing subject to viability, however, have the following comments in relation to draft Policy H4. These comments should be read alongside the response to draft Policy IF4 (Viability) below.

- Although the supporting text to draft Policy H4 (paragraphs 6.16 and 6.17) references the Exeter Local Housing Needs Assessment as evidence, it is not clear from our review how the proposed tenure splits have been arrived at on the basis of the evidence available. Therefore in the first instance we have to assume this is unjustified.
- Notwithstanding the above, there will inevitably be locational variations in need for different tenures of affordable product, even within a modestly sized administrative area such as Exeter City's. To ensure that the Plan helps to deliver development that truly meets the needs of Exeter City, the draft Policy or its supporting text should be updated to acknowledge that the specified tenure splits are a starting point and that up to date evidence on need and site specific constraints, as well as viability, can and should be matters to be taken into account at planning application stage for all major schemes, regardless of whether they are on greenfield or brownfield land.

Subject to justification and/or the amendments proposed above, TT Group consider this draft Policy would be sound.

Modifications: [...] To ensure that the Plan helps to deliver development that truly meets the needs of Exeter City, the draft Policy or its supporting text should be updated to acknowledge that the specified tenure splits are a starting point and that up to date evidence on need and site specific constraints, as well as viability, can and should be matters to be taken into account at planning application stage for all major schemes, regardless of whether they are on greenfield or brownfield land.

Requested to attend examination?: -

Ref: D-06-06-H04

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H4: Affordable housing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: ECS does not understand the reasoning behind introducing a reduced rate of affordable housing for brownfield land. As reasons for the differentiation of affordable housing minimum targets between brownfield and greenfield land 6.16 refers to the 2024 Exeter Local Housing Needs Assessment. But this most recent study proves a substantial and sustained need for affordable housing in Exeter for the period 2021-2041, calculating that 862 of households per annum will be unable to afford housing costs, or 16,092 for the whole period (5.24, 5.34, 5.50). This proves a substantial and sustained need for affordable housing in Exeter.

Though a reduced rate of affordable housing on brownfield land seems to be reasonable due to higher development costs on this kind of land, ECS promotes reverting to a single minimum target of 35% affordable housing for all sites. Reason: Viability assessments cover the development costs on each site and this then needs to be argued on a case-by-case basis to deliver affordable housing. To front-load this here in a reduced rate of brownfield land, decreases the potential efforts to be made by the developer unnecessarily at a stage where this is not needed in the planning application granting process. We have doubts that such a policy would provide the high number of affordable housing needed in Exeter.

The layout (spacing) of H4 is misleading, as Paragraphs a. to h. refer to both Greenfield and Brownfield land.

Modifications: ESC suggests to delete the differentiation between Greenfield and Brownfield land, and revert to one single minimum percentage of 35% affordable housing.

Correct the spacing according to 5(b).

Requested to attend examination?: Yes

Ref: D-07-06-H04

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H4: Affordable housing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: H4: Affordable Housing (strategic policy)

Policy H4 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

This policy states that affordable housing will be required on developments of ten homes or more. It then sets a requirement for Greenfield sites of 35% affordable housing with a split of 50% social rent and 50% affordable home ownership, and for Brownfield sites at 15% with a tenure split of 50% social rent and 50% affordable home ownership. It suggests that the size and mix of the affordable homes must reflect local need, as evidenced by the City Council's latest Local Housing Needs Assessment.

The Local Plan Viability Assessment (November 2024) has tested the affordable housing requirements with 35% affordable housing on greenfield sites, 15% on brownfield sites and 20% on Build to Rent, Student Accommodation and co-living sites. The Viability testing results show that there are viability issues in VA1 for flats for sale, for some greenfield schemes in the VA3 area including those on greenfield sites and for older persons housing.

There are a number of current and emerging policy requirements both locally and nationally that are putting viability under pressure. For example, information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal or not considered in full.

Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable.

The Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use. The HBF suggest the costs of BNG should be considered as part of the planning obligations and should be specified as a single specific item. There are

significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available.

At a very basic level viability can be improved by reducing costs or increasing values. Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kinds of considerations.

Similarly, the geographical distribution of development, and whether sites are brownfield or greenfield, may also impact on the Plan's ability to deliver affordable housing where it is most needed. The HBF notes that the level of open-market housing provided may also impact on the amount of affordable housing that can be developed.

It will also be important to understand if there any geographically specific viability considerations, such as whether higher levels of open-market housing are required in particular areas in order to secure increased delivery of affordable housing in that location in a way that remains viable. Similarly, brownfield city centre sites tend to be most suited for apartments or retirement living. There will therefore likely be a need for the Exeter Plan to include greenfield allocations which are more likely to deliver family housing and a higher percentage of affordable housing, in order to provide flexibility in the housing land supply and ensure a range of housing types and tenures is provided.

Modifications: [...] Sometimes, therefore changing the type of affordable housing provided can help to improve viability of a specific site, and the plan should recognise this. In this situation there could be a change of the percentages of different types of affordable housing provided, but the headline figure of how much affordable housing is provided would remain the same. Flexibility in the policy is important to allow for these kinds of considerations.

Requested to attend examination?: Yes

Ref: F-02-06-H04

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H4: Affordable housing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The proposed policies H4, H5 & H6 taken together will are not sound and will fail to be effective:

- The position in the preamble "Overall, it is likely that Policy H4 will deliver approximately 20% of homes as affordable," makes it clear that the policy will fail to deliver the quantum of affordable homes to meet the level of local housing needs as identified in the LHNA,
- achieve the H4 strategic objective of "Provide[ing] the quantity, type, quality and affordability of homes that Exeter needs in the right locations."
- Nor does it demonstrate the number and split provided in the evidence of sites assessed in HEELA which can deliver affordable housing in the numbers and proportion required to meet the affordable housing need set out in the LHNA.
- The policy does not the Council will 'help to deliver' as stated in 6.23 in order to achieve 6.14 In meeting the housing requirement, it is important that we help to deliver the variety of homes that our communities need.
- The policy does not have clear targets for the quantum of affordable homes delivered by virtue of other mechanisms set out in 6.23 to demonstrate if the approach in 6.23 is effective meeting local needs the need for affordable housing as set out in the LHNA.

In addition, taken together the LHNA and the Viability assessment does not justify the low proportion of affordable housing on brownfield sites.

To meet the projected housing requirement in the LHNA, a substantial increase in total housing delivery is required compared to the previous plan period (see graph below based on monitoring report [1] figures) and it is noted that the projected housing requirement also includes a 'buffer' set out in the LNHA housing numbers in policy H1. The LHNA sets out the housing problems in Exeter in terms of demand and affordability.

The LHNA [2] factors in previous under- delivery of housing into the affordability uplift. [6.28] explains that "The affordable housing need as calculated fully enumerates the current and future affordable housing needs, and the current need component itself encompasses those households impacted by any previous under-delivery of affordable dwellings".

[Figure: Exeter Housing Delivery 2006-2026]

Over the previous plan period affordable housing delivery achieved almost 27%, some 8% below the policy requirement of 35%. The current LHNA identifies a need of 33%: 67% (rounded) affordable to market homes. To be effective the policies in the plan need to acknowledge the challenges of the previous plan but set out more ambitious targets for affordable housing given the housing crises facing communities across Exeter. The current policy is putting overarching viability, at this one point in time in an economic cycle, ahead of meeting urgent locally assessed housing need.

Policy H4

Proportion of affordable housing:

Policy H4 adopts an approach with 35% affordable on Greenfield sites and 15% on Brownfield sites. The policy does not set out the expected proportion of Greenfield/Brownfield development will achieve "approximately 20% of homes as affordable," given that the plan approach is brownfield first and greenfield sites are expected to make a small contribution. The HEELA does not address which are considered Green or Brownfield sites specifically. This is significant since if the vast majority of homes are built on greenfield sites at 35% policy rates then there is more likelihood of achieving the numbers of affordable homes needed. The brownfield first approach (15% affordable) will produce a much lower number of affordable homes overall.

Given The HEELA does not address which sites are suitable or being promoted for affordable housing, (which then may be developed for example by contributions arising from policy H6 (Coliving) or other sources of grant) the policy does not effectively show how the approach in 6.23 can be delivered. The Council, for instance, only has a limited supply of its own land on which to build and some housing associations are surrendering land in the city centre, so already resulting in a loss of affordable housing.

Moreover, if 20% of homes are delivered as affordable, including social, this policy will not meet the needs set out in the LHNA. There needs to be a balance between the aspirations of developers and landowners consulted who were engaged in the viability assessment process and the needs of residents in need of homes in Exeter. The planning system must secure maximum benefits in the public interest through the granting of planning permission this policy fails to do that. The viability does not reference the LHNA findings.

The Viability modelling has adopted a too cautious approach to modelling affordable housing proportions for brownfield sites, build to rent and co-living and different potential policy requirements for affordable housing have not been modelled. Nor does the viability assessment model a proposed affordable: market mix based on the LHNA in order to assess the extent to which affordable homes (meeting LHNA) needs can be balanced. Policy requirements, particularly for affordable housing, should: be set at a level that takes account of needs and and fails to demonstrate how it has done so in line with planning policy guidance. [3]

The proportion of affordable (including social): market homes should be reviewed and amended to (better) meet the independently assessed needs in the LHNA (suggesting a 33%: 67% split) and set out the level of expected grants and subsidies and the expected number of homes to be developed through these mechanism in order to meet any gap. The Local Plan viability assessment identifies clear headroom on the strategic brownfield sites, some at higher affordable housing rates:

[Table: VA1 Viability £/dwelling headroom]

Of course economic viability will change over the economic cycle and lifetime of the plan which is allowed for in

6.20 and the NPPF which recognises viability and also provides for overage in order to secure public benefit if the development is more profitable than expected is welcome.

Deliverability:

H4 goes on to say that "while grants and other subsidies will be used to increase the number of affordable homes delivered." The Policy does not say which body will secure those grants and subsidies or who will deliver the housing, and is therefore aspirational and undeliverable.

Exeter City Council's Council housing strategy [4] to build 500 council homes is referenced, yet this does not cover the whole plan period as this strategy ends in 2030 and will not in itself meet the needs of the number of people in need of social housing. It is noted social housing is differentiated in the LHNA and is emphasised as a very important source of truly affordable housing, and is identified as a priority in the Devon Housing Commission Report [5] to meet local housing need.

6.22 in the H4 policy preamble says "Should the affordability restriction on an affordable home be lifted, the subsidy will be recycled to provide new affordable housing in Exeter as approved by the City Council." Lifting the restrictions on affordable homes will remove the affordable homes from the provision and not be available to meet need over the lifetime of the plan. There is no assessment of the likely impact on this policy on the number and type of homes which might be impacted by this policy. All affordable homes should be required to remain affordable in perpetuity, exceptions notwithstanding, noting that there are mechanisms to ensure affordable purchase can remain affordable.

Meeting the needs of people with a disability and aging population

6.22 also identifies that at least "10% of the affordable homes will be expected to meet wheelchair user accessibility standards as required by Policy H14." However, the LHNA identifies a greater need and potentially an "existing unmet need for M4(2) housing and some may actually be wheelchair users needing M4(3) housing" i.e. wheelchair accessible homes at 11%, preferably 15% (p86 & 7.78 p 89) LHNA)

The policies will not be effective in delivering in a way which meets this current and forecast need for people with disabilities or an ageing population. The Devon Housing Commission recommends (emphasis mine) that, "as well trying to increase the number of social rented homes delivered, local authorities should also explore ways that the planning system can be used to shape the type of housing that is delivered " e.g. in size and price range - so that local need is prioritised over open market demand".

[Footnotes]

[1] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1734691594/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Authority%20Monitoring%20Report%202022-23.pdf/xjlie0tbnlikisurtwwf.pdf>]

[2] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733849160/projects/66e1bd7c5ec13e2bc2471edb/media-upload/2024%20Exeter%20Local%20Housing%20Needs%20Assessment.pdf/g5i5jlq3yilbu1w5u0lo.pdf>]

[3] [Embedded link: <https://www.gov.uk/guidance/viability-policy-requirements> - Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at

the decision making stage]

[4] [Embedded link:

<https://committees.exeter.gov.uk/documents/s93157/Exeter%20Council%20Housing%20Strategy.pdf>]

[5] [Embedded link: <https://news.exeter.ac.uk/wp-content/uploads/2024/07/2024EI047-Devon-Housing-Commission-Final-Report-v8.pdf>]

Modifications: To demonstrate why the policy is justified and improve soundness:

Policy H4: The minimum percentage of affordable homes on Greenfield and Brownfield site should be reassessed to better meet the local housing need for affordable housing as identified in the LHNA. Any update to the viability assessment should consider if a lower proportion (than 33%) of affordable housing on brownfield site can be realistically be met via the provision Greenfield site or other mechanism set out in 6.23.

Amend to improve soundness:

6.22 Affordable homes secured under Policy H4 should be delivered without public subsidy and (with the exception of First Homes) be disposed of to a locally operating Registered Provider agreed with the City Council. The affordable homes must be made available to eligible and qualifying households in need of affordable housing in accordance with the Citys Councils published criteria or to essential local workers. At least ~~10%~~ **18%** of the affordable homes will be expected to meet wheelchair user accessibility standards as required by Policy H14. **Affordable Homes should remain affordable in perpetuity, should in exceptional cases the affordability restriction on an affordable home be lifted, the subsidy will be recycled to provide new affordable housing in Exeter as approved by the City Council.**

Add to H5: Build to rent

"f. the affordable homes shall remain affordable in perpetuity"

to ensure that any changes possible under H5 b *"Are held as build to rent for at least fifteen years under a covenant;"* do not result in a loss of affordable homes.

ADD to Section 17 to demonstrate the effectiveness of the policies

a target, indicator and delivery mechanism to demonstrate the effectiveness of the approach set out in 6.23 and a target, indicator and delivery mechanism to demonstrate the number of affordable homes delivered to wheelchair accessible standards

Requested to attend examination?: Yes

Ref: C-32-06-H05

Representor: South West Housing Association Planning Consortium

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H5: Build to rent

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Draft Policy H5 outlines that on build to rent developments of 10 or more homes or with a site area of 0.5 hectares or more, at least 20% of the homes will be for affordable private rent. Draft Policy H6 states that co-living developments will *“deliver a financial contribution towards the off-site provision of affordable housing in accordance with Policy H5”*. *The SWHAPC is pleased that Exeter City Council is taking steps to facilitate the delivery of affordable housing through alternative avenues. This will help to ensure that affordable housing needs are met over the Plan period.*

We use this opportunity to again raise that it should be considered that granting and supporting co-living and build to rent developments may be at the expense of meeting wider housing and affordable housing needs as these developments do not meet demand for affordable housing tenures such as social rent and shared ownership. We previously raised in the Regulation 18 consultation that a number of the SWHAPC members are aware of several co-living developments being developed in Exeter which do not contribute to meeting the most needed housing tenures in the city. The 2024 LHNA notes (see paragraph 7.85) that there is a risk of an over-supply of small dwellings which would exclude the ability of families to form in the area. Exeter City Council needs to monitor this to ensure that wider housing needs are being met.

Modifications: [...] The 2024 LHNA notes (see paragraph 7.85) that there is a risk of an over-supply of small dwellings which would exclude the ability of families to form in the area. Exeter City Council needs to monitor this to ensure that wider housing needs are being met.

Requested to attend examination?: -

Ref: F-02-06-H05

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H5: Build to rent

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The proposed policies H4, H5 & H6 taken together will are not sound and will fail to be effective:

- The position in the preamble "Overall, it is likely that Policy H4 will deliver approximately 20% of homes as affordable," makes it clear that the policy will fail to deliver the quantum of affordable homes to meet the level of local housing needs as identified in the LHNA,
- achieve the H4 strategic objective of "Provide[ing] the quantity, type, quality and affordability of homes that Exeter needs in the right locations."
- Nor does it demonstrate the number and split provided in the evidence of sites assessed in HEELA which can deliver affordable housing in the numbers and proportion required to meet the affordable housing need set out in the LHNA.
- The policy does not the Council will 'help to deliver' as stated in 6.23 in order to achieve 6.14 In meeting the housing requirement, it is important that we help to deliver the variety of homes that our communities need.
- The policy does not have clear targets for the quantum of affordable homes delivered by virtue of other mechanisms set out in 6.23 to demonstrate if the approach in 6.23 is effective meeting local needs the need for affordable housing as set out in the LHNA.

In addition, taken together the LHNA and the Viability assessment does not justify the low proportion of affordable housing on brownfield sites.

To meet the projected housing requirement in the LHNA, a substantial increase in total housing delivery is required compared to the previous plan period (see graph below based on monitoring report [1] figures) and it is noted that the projected housing requirement also includes a 'buffer' set out in the LNHA housing numbers in policy H1. The LHNA sets out the housing problems in Exeter in terms of demand and affordability.

The LHNA [2] factors in previous under- delivery of housing into the affordability uplift. [6.28] explains that "The affordable housing need as calculated fully enumerates the current and future affordable housing needs, and the current need component itself encompasses those households impacted by any previous under-delivery of affordable dwellings".

[Figure: Exeter Housing Delivery 2006-2026]

Over the previous plan period affordable housing delivery achieved almost 27%, some 8% below the policy requirement of 35%. The current LHNA identifies a need of 33%: 67% (rounded) affordable to market homes. To be effective the policies in the plan need to acknowledge the challenges of the previous plan but set out more ambitious targets for affordable housing given the housing crises facing communities across Exeter. The current policy is putting overarching viability, at this one point in time in an economic cycle, ahead of meeting urgent locally assessed housing need.

Policy H4

Proportion of affordable housing:

Policy H4 adopts an approach with 35% affordable on Greenfield sites and 15% on Brownfield sites. The policy does not set out the expected proportion of Greenfield/Brownfield development will achieve "approximately 20% of homes as affordable," given that the plan approach is brownfield first and greenfield sites are expected to make a small contribution. The HEELA does not address which are considered Green or Brownfield sites specifically. This is significant since if the vast majority of homes are built on greenfield sites at 35% policy rates then there is more likelihood of achieving the numbers of affordable homes needed. The brownfield first approach (15% affordable) will produce a much lower number of affordable homes overall.

Given The HEELA does not address which sites are suitable or being promoted for affordable housing, (which then may be developed for example by contributions arising from policy H6 (Coliving) or other sources of grant) the policy does not effectively show how the approach in 6.23 can be delivered. The Council, for instance, only has a limited supply of its own land on which to build and some housing associations are surrendering land in the city centre, so already resulting in a loss of affordable housing.

Moreover, if 20% of homes are delivered as affordable, including social, this policy will not meet the needs set out in the LHNA. There needs to be a balance between the aspirations of developers and landowners consulted who were engaged in the viability assessment process and the needs of residents in need of homes in Exeter. The planning system must secure maximum benefits in the public interest through the granting of planning permission this policy fails to do that. The viability does not reference the LHNA findings.

The Viability modelling has adopted a too cautious approach to modelling affordable housing proportions for brownfield sites, build to rent and co-living and different potential policy requirements for affordable housing have not been modelled. Nor does the viability assessment model a proposed affordable: market mix based on the LHNA in order to assess the extent to which affordable homes (meeting LHNA) needs can be balanced. Policy requirements, particularly for affordable housing, should: be set at a level that takes account of needs and and fails to demonstrate how it has done so in line with planning policy guidance. [3]

The proportion of affordable (including social): market homes should be reviewed and amended to (better) meet the independently assessed needs in the LHNA (suggesting a 33%: 67% split) and set out the level of expected grants and subsidies and the expected number of homes to be developed through these mechanism in order to meet any gap. The Local Plan viability assessment identifies clear headroom on the strategic brownfield sites, some at higher affordable housing rates:

[Table: VA1 Viability £/dwelling headroom]

Of course economic viability will change over the economic cycle and lifetime of the plan which is allowed for in

6.20 and the NPPF which recognises viability and also provides for overage in order to secure public benefit if the development is more profitable than expected is welcome.

Deliverability:

H4 goes on to say that "while grants and other subsidies will be used to increase the number of affordable homes delivered." The Policy does not say which body will secure those grants and subsidies or who will deliver the housing, and is therefore aspirational and undeliverable.

Exeter City Council's Council housing strategy [4] to build 500 council homes is referenced, yet this does not cover the whole plan period as this strategy ends in 2030 and will not in itself meet the needs of the number of people in need of social housing. It is noted social housing is differentiated in the LHNA and is emphasised as a very important source of truly affordable housing, and is identified as a priority in the Devon Housing Commission Report [5] to meet local housing need.

6.22 in the H4 policy preamble says "Should the affordability restriction on an affordable home be lifted, the subsidy will be recycled to provide new affordable housing in Exeter as approved by the City Council." Lifting the restrictions on affordable homes will remove the affordable homes from the provision and not be available to meet need over the lifetime of the plan. There is no assessment of the likely impact on this policy on the number and type of homes which might be impacted by this policy. All affordable homes should be required to remain affordable in perpetuity, exceptions notwithstanding, noting that there are mechanisms to ensure affordable purchase can remain affordable.

Meeting the needs of people with a disability and aging population

6.22 also identifies that at least "10% of the affordable homes will be expected to meet wheelchair user accessibility standards as required by Policy H14." However, the LHNA identifies a greater need and potentially an "existing unmet need for M4(2) housing and some may actually be wheelchair users needing M4(3) housing" i.e. wheelchair accessible homes at 11%, preferably 15% (p86 & 7.78 p 89) LHNA)

The policies will not be effective in delivering in a way which meets this current and forecast need for people with disabilities or an ageing population. The Devon Housing Commission recommends (emphasis mine) that, "as well trying to increase the number of social rented homes delivered, local authorities should also explore ways that the planning system can be used to shape the type of housing that is delivered " e.g. in size and price range - so that local need is prioritised over open market demand".

[Footnotes]

[1] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1734691594/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Authority%20Monitoring%20Report%202022-23.pdf/xjlie0tbnlikisurtwwf.pdf>]

[2] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733849160/projects/66e1bd7c5ec13e2bc2471edb/media-upload/2024%20Exeter%20Local%20Housing%20Needs%20Assessment.pdf/g5i5jlq3yilbu1w5u0lo.pdf>]

[3] [Embedded link: <https://www.gov.uk/guidance/viability-policy-requirements> - Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at

the decision making stage]

[4] [Embedded link:

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[5] [Embedded link: <https://news.exeter.ac.uk/wp-content/uploads/2024/07/2024EI047-Devon-Housing-Commission-Final-Report-v8.pdf>]

Modifications: To demonstrate why the policy is justified and improve soundness:

Policy H4: The minimum percentage of affordable homes on Greenfield and Brownfield site should be reassessed to better meet the local housing need for affordable housing as identified in the LHNA. Any update to the viability assessment should consider if a lower proportion (than 33%) of affordable housing on brownfield site can be realistically be met via the provision Greenfield site or other mechanism set out in 6.23.

Amend to improve soundness:

6.22 Affordable homes secured under Policy H4 should be delivered without public subsidy and (with the exception of First Homes) be disposed of to a locally operating Registered Provider agreed with the City Council. The affordable homes must be made available to eligible and qualifying households in need of affordable housing in accordance with the Citys Councils published criteria or to essential local workers. At least ~~10%~~ **18%** of the affordable homes will be expected to meet wheelchair user accessibility standards as required by Policy H14. **Affordable Homes should remain affordable in perpetuity, should in exceptional cases the affordability restriction on an affordable home be lifted, the subsidy will be recycled to provide new affordable housing in Exeter as approved by the City Council.**

Add to H5: Build to rent

"f. the affordable homes shall remain affordable in perpetuity"

to ensure that any changes possible under H5 b *"Are held as build to rent for at least fifteen years under a covenant;"* do not result in a loss of affordable homes.

ADD to Section 17 to demonstrate the effectiveness of the policies

a target, indicator and delivery mechanism to demonstrate the effectiveness of the approach set out in 6.23 and a target, indicator and delivery mechanism to demonstrate the number of affordable homes delivered to wheelchair accessible standards

Requested to attend examination?: Yes

Ref: H-09-06-H06

Representor: Anonymous

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H6: Co-living housing

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: -

Requested to attend examination?: -

Ref: C-29-06-H06

Representor: Nixon Homes Limited

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H6: Co-living housing

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: This policy on co-living housing is supported and the flexibility in the approach to the definition of this housing type is broadly welcomed. Supporting text at paragraph 6.36, which outlines the ambition to publish additional guidance to amplify Policy H6 is welcomed, subject to separate consultation. We assert that the plan should set out a timeline for when this SPD will be published in order to give developers certainty around the progression of co-living schemes ahead of this and to increase the efficacy of the plan.

The supporting text to Policy H6 states at Para 6.37 that co-living will contribute to the housing requirement at a ratio of 1.8:1 in accordance with the Government's Housing Delivery Test Rulebook. However, whilst this was the ratio outlined in the Rulebook, this was updated on the day the Local Plan was published and now stands at a ratio of 1.9:1. Given the likelihood of further updates to this ratio during the live of the Local Plan, it is suggested that reference is made to applying the ratios outlined in the Rulebook at the time of consideration. The effect of this change is that sites delivering this form of development will now contribute less to the housing needs of Exeter meaning that equivalent densities need to be increased.

Whilst Policy H6 sets out details of the minimum communal spaces and facilities that co-living housing is required to include, it does not set out the amount of floorspace which is required, nor does it make reference to any other guidance which will be used to inform this at the decision making stage. Our experience of progressing with an application for this form of development has seen the London Plan Large-scale Purpose Built Living LPG applied by the local planning authority. Policy H6 makes no reference to space standards of any kind which is inconsistent with how the local planning authority are considering such applications. As such, we suggest that reference to the standards to be followed should be referred to in the policy or at least included in the forthcoming SPD.

Modifications: As outlined above, we assert that the plan should be amended to include reference to the publication of the proposed Co-living SPD under Policy H6. This should be referred to by an amendment within the monitoring and implementation section of the plan under policy H1, where a reference should be added to outline that the co-living SPD will be published as one of the delivery mechanisms for Policy H1. This is necessary as this guidance is linked to the delivery of the housing target.

The table within the monitoring section under Policy H1 should be amended to show the following [proposed additional text in bold]:

H1: Housing requirement

Indicator:

Number of additional homes permitted.
Number of additional homes completed.

Target:

Permission for at least 642 new homes per annum.

Completion of at least 642 new homes per annum.

Delivery mechanisms:

- The Exeter Plan
- Planning applications
- Council delivering own housing stock
- Collaboration with developers
- Collaboration with Homes England
- [bold] Co-living SPD/Local Planning Guidance [bold]

This amendment is requested to ensure that the co-living units contribute to the identified housing requirement at the appropriate level. Without sufficient certainty on how Policy H6 will be applied to this form of development, delays to consideration of such applications may occur which will delay delivery and potentially impact housing supply.

In addition, if in determining planning applications, the LPA are seeking to apply specific space standards to proposals, Policy H6 should be amended to make specific reference to the guidance that will be used.

Requested to attend examination?: Yes

Ref: C-32-06-H06

Representor: South West Housing Association Planning Consortium

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H6: Co-living housing

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Draft Policy H5 outlines that on build to rent developments of 10 or more homes or with a site area of 0.5 hectares or more, at least 20% of the homes will be for affordable private rent. Draft Policy H6 states that co-living developments will *“deliver a financial contribution towards the off-site provision of affordable housing in accordance with Policy H5”*. *The SWHAPC is pleased that Exeter City Council is taking steps to facilitate the delivery of affordable housing through alternative avenues. This will help to ensure that affordable housing needs are met over the Plan period.*

We use this opportunity to again raise that it should be considered that granting and supporting co-living and build to rent developments may be at the expense of meeting wider housing and affordable housing needs as these developments do not meet demand for affordable housing tenures such as social rent and shared ownership. We previously raised in the Regulation 18 consultation that a number of the SWHAPC members are aware of several co-living developments being developed in Exeter which do not contribute to meeting the most needed housing tenures in the city. The 2024 LHNA notes (see paragraph 7.85) that there is a risk of an over-supply of small dwellings which would exclude the ability of families to form in the area. Exeter City Council needs to monitor this to ensure that wider housing needs are being met.

Modifications: [...] The 2024 LHNA notes (see paragraph 7.85) that there is a risk of an over-supply of small dwellings which would exclude the ability of families to form in the area. Exeter City Council needs to monitor this to ensure that wider housing needs are being met.

Requested to attend examination?: -

Ref: D-06-06-H06

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H6: Co-living housing

Paragraph: 6.31

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: ECS wonders what definition of 'studio' is referred to here in the bracket explaining 'private unit' as 'e.g. ensuite bedroom or studio', because, contrary to the implications set out here, 'studios' normally need to meet the national space standards and are regarded as self-contained homes.

For example, the Technical housing standards, nationally describe space standards for a 'studio' as 39/37m². The London Plan guidelines provide space guidance on rooms within student homes as 18 - 27m² and Accessible private unit size 28 – 37m².

Modifications: ECS suggests to delete 'or studios' from the bracket in 6.31.

Or:

'Standard ensuite rooms' that have an adjoined shower, sink and toilet for own use 18 - 27 sqm. 'Studio rooms' have a kitchenette, open-plan living space/workspace and en-suite bathroom, as per national space standards.

Requested to attend examination?: No

Ref: F-01-06-H06

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H6: Co-living housing

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: Co-living is mainly designed for short-term occupation. Room sizes do not comply with nationally described space standards. Co-living will not address the problem of an increasing lack of permanent (long-term) housing for young people who wish to make their home in Exeter. This is particularly so as Policy H5(c) only prescribes 20% being available for affordable rent. In addition, Policy H5(b) does not provide for even a modest kitchenette in each unit of accommodation (unless part of a cluster flat). Such properties cannot be described as homes. It is noted that there are no NPPF standards for room sizes and it is suggested that this is an omission in the NPPF and that all co-living developments are not less than 90% of national minimum standards and should take into account whether they are for single or double occupation.

Modifications: Policy H6b should be amended to read: provide residents with a private ensuite bedroom together with kitchenette in a cluster or studio flat, within a development that includes sufficient communal facilities and services to meet the needs of all residents.

Policy H6c should be amended to read: deliver at least 35% homes for affordable private rent in accordance with Policy H4.

An additional Policy H6k should be added: for all the homes the room size should be not less than 90% of the national minimum room sizes.

Requested to attend examination?: -

Ref: F-02-06-H06a

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H6: Co-living housing

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The proposed policies H4, H5 & H6 taken together will are not sound and will fail to be effective:

- The position in the preamble "Overall, it is likely that Policy H4 will deliver approximately 20% of homes as affordable," makes it clear that the policy will fail to deliver the quantum of affordable homes to meet the level of local housing needs as identified in the LHNA,
- achieve the H4 strategic objective of "Provide[ing] the quantity, type, quality and affordability of homes that Exeter needs in the right locations."
- Nor does it demonstrate the number and split provided in the evidence of sites assessed in HEELA which can deliver affordable housing in the numbers and proportion required to meet the affordable housing need set out in the LHNA.
- The policy does not the Council will 'help to deliver' as stated in 6.23 in order to achieve 6.14 In meeting the housing requirement, it is important that we help to deliver the variety of homes that our communities need.
- The policy does not have clear targets for the quantum of affordable homes delivered by virtue of other mechanisms set out in 6.23 to demonstrate if the approach in 6.23 is effective meeting local needs the need for affordable housing as set out in the LHNA.

In addition, taken together the LHNA and the Viability assessment does not justify the low proportion of affordable housing on brownfield sites.

To meet the projected housing requirement in the LHNA, a substantial increase in total housing delivery is required compared to the previous plan period (see graph below based on monitoring report [1] figures) and it is noted that the projected housing requirement also includes a 'buffer' set out in the LNHA housing numbers in policy H1. The LHNA sets out the housing problems in Exeter in terms of demand and affordability.

The LHNA [2] factors in previous under- delivery of housing into the affordability uplift. [6.28] explains that "The affordable housing need as calculated fully enumerates the current and future affordable housing needs, and the current need component itself encompasses those households impacted by any previous under-delivery of affordable dwellings".

[Figure: Exeter Housing Delivery 2006-2026]

Over the previous plan period affordable housing delivery achieved almost 27%, some 8% below the policy requirement of 35%. The current LHNA identifies a need of 33%: 67% (rounded) affordable to market homes. To be effective the policies in the plan need to acknowledge the challenges of the previous plan but set out more ambitious targets for affordable housing given the housing crises facing communities across Exeter. The current policy is putting overarching viability, at this one point in time in an economic cycle, ahead of meeting urgent locally assessed housing need.

Policy H4

Proportion of affordable housing:

Policy H4 adopts an approach with 35% affordable on Greenfield sites and 15% on Brownfield sites. The policy does not set out the expected proportion of Greenfield/Brownfield development will achieve "approximately 20% of homes as affordable," given that the plan approach is brownfield first and greenfield sites are expected to make a small contribution. The HEELA does not address which are considered Green or Brownfield sites specifically. This is significant since if the vast majority of homes are built on greenfield sites at 35% policy rates then there is more likelihood of achieving the numbers of affordable homes needed. The brownfield first approach (15% affordable) will produce a much lower number of affordable homes overall.

Given The HEELA does not address which sites are suitable or being promoted for affordable housing, (which then may be developed for example by contributions arising from policy H6 (Coliving) or other sources of grant) the policy does not effectively show how the approach in 6.23 can be delivered. The Council, for instance, only has a limited supply of its own land on which to build and some housing associations are surrendering land in the city centre, so already resulting in a loss of affordable housing.

Moreover, if 20% of homes are delivered as affordable, including social, this policy will not meet the needs set out in the LHNA. There needs to be a balance between the aspirations of developers and landowners consulted who were engaged in the viability assessment process and the needs of residents in need of homes in Exeter. The planning system must secure maximum benefits in the public interest through the granting of planning permission this policy fails to do that. The viability does not reference the LHNA findings.

The Viability modelling has adopted a too cautious approach to modelling affordable housing proportions for brownfield sites, build to rent and co-living and different potential policy requirements for affordable housing have not been modelled. Nor does the viability assessment model a proposed affordable: market mix based on the LHNA in order to assess the extent to which affordable homes (meeting LHNA) needs can be balanced. Policy requirements, particularly for affordable housing, should: be set at a level that takes account of needs and and fails to demonstrate how it has done so in line with planning policy guidance. [3]

The proportion of affordable (including social): market homes should be reviewed and amended to (better) meet the independently assessed needs in the LHNA (suggesting a 33%: 67% split) and set out the level of expected grants and subsidies and the expected number of homes to be developed through these mechanism in order to meet any gap. The Local Plan viability assessment identifies clear headroom on the strategic brownfield sites, some at higher affordable housing rates:

[Table: VA1 Viability £/dwelling headroom]

Of course economic viability will change over the economic cycle and lifetime of the plan which is allowed for in

6.20 and the NPPF which recognises viability and also provides for overage in order to secure public benefit if the development is more profitable than expected is welcome.

Deliverability:

H4 goes on to say that "while grants and other subsidies will be used to increase the number of affordable homes delivered." The Policy does not say which body will secure those grants and subsidies or who will deliver the housing, and is therefore aspirational and undeliverable.

Exeter City Council's Council housing strategy [4] to build 500 council homes is referenced, yet this does not cover the whole plan period as this strategy ends in 2030 and will not in itself meet the needs of the number of people in need of social housing. It is noted social housing is differentiated in the LHNA and is emphasised as a very important source of truly affordable housing, and is identified as a priority in the Devon Housing Commission Report [5] to meet local housing need.

6.22 in the H4 policy preamble says "Should the affordability restriction on an affordable home be lifted, the subsidy will be recycled to provide new affordable housing in Exeter as approved by the City Council." Lifting the restrictions on affordable homes will remove the affordable homes from the provision and not be available to meet need over the lifetime of the plan. There is no assessment of the likely impact on this policy on the number and type of homes which might be impacted by this policy. All affordable homes should be required to remain affordable in perpetuity, exceptions notwithstanding, noting that there are mechanisms to ensure affordable purchase can remain affordable.

Meeting the needs of people with a disability and aging population

6.22 also identifies that at least "10% of the affordable homes will be expected to meet wheelchair user accessibility standards as required by Policy H14." However, the LHNA identifies a greater need and potentially an "existing unmet need for M4(2) housing and some may actually be wheelchair users needing M4(3) housing" i.e. wheelchair accessible homes at 11%, preferably 15% (p86 & 7.78 p 89) LHNA)

The policies will not be effective in delivering in a way which meets this current and forecast need for people with disabilities or an ageing population. The Devon Housing Commission recommends (emphasis mine) that, "as well trying to increase the number of social rented homes delivered, local authorities should also explore ways that the planning system can be used to shape the type of housing that is delivered " e.g. in size and price range - so that local need is prioritised over open market demand".

[Footnotes]

[1] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1734691594/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Authority%20Monitoring%20Report%202022-23.pdf/xjlie0tbnlikisurtwwf.pdf>]

[2] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733849160/projects/66e1bd7c5ec13e2bc2471edb/media-upload/2024%20Exeter%20Local%20Housing%20Needs%20Assessment.pdf/g5i5jlq3yilbu1w5u0lo.pdf>]

[3] [Embedded link: <https://www.gov.uk/guidance/viability-policy-requirements> - Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at

the decision making stage]

[4] [Embedded link:

<https://committees.exeter.gov.uk/documents/s93157/Exeter%20Council%20Housing%20Strategy.pdf>]

[5] [Embedded link: <https://news.exeter.ac.uk/wp-content/uploads/2024/07/2024EI047-Devon-Housing-Commission-Final-Report-v8.pdf>]

Modifications: To demonstrate why the policy is justified and improve soundness:

Policy H4: The minimum percentage of affordable homes on Greenfield and Brownfield site should be reassessed to better meet the local housing need for affordable housing as identified in the LHNA. Any update to the viability assessment should consider if a lower proportion (than 33%) of affordable housing on brownfield site can be realistically be met via the provision Greenfield site or other mechanism set out in 6.23.

Amend to improve soundness:

6.22 Affordable homes secured under Policy H4 should be delivered without public subsidy and (with the exception of First Homes) be disposed of to a locally operating Registered Provider agreed with the City Council. The affordable homes must be made available to eligible and qualifying households in need of affordable housing in accordance with the City Council's published criteria or to essential local workers. At least ~~10%~~ **18%** of the affordable homes will be expected to meet wheelchair user accessibility standards as required by Policy H14. **Affordable Homes should remain affordable in perpetuity, should in exceptional cases the affordability restriction on an affordable home be lifted, the subsidy will be recycled to provide new affordable housing in Exeter as approved by the City Council.**

Add to H5: Build to rent

"f. the affordable homes shall remain affordable in perpetuity"

to ensure that any changes possible under H5 b *"Are held as build to rent for at least fifteen years under a covenant;"* do not result in a loss of affordable homes.

ADD to Section 17 to demonstrate the effectiveness of the policies

a target, indicator and delivery mechanism to demonstrate the effectiveness of the approach set out in 6.23 and a target, indicator and delivery mechanism to demonstrate the number of affordable homes delivered to wheelchair accessible standards

Requested to attend examination?: Yes

Ref: F-02-06-H06b

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H6: Co-living housing

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: [bold] Co-living housing [bold]

The [bold] eligibility of Vacant Building Credit should be removed from co-living development [bold] because

- a. given that most co-living developments are going to be on brownfield sites, as these are considered to be the most sustainable locations for such developments, it would diminish the affordable living contributions in locations where affordable homes are needed most.
- b. This is because Co-living is intended as temporary type tenure not long term living homes, such a subsidy is not appropriate as such accommodation is unproven and will distort the mix of accommodation in the city.
- c. Co-living already has a subsidy in the form of no contribution to CIL and given the higher density of development could lead to a negative impact on local amenities, greenspace and heritage.
- d. Vacant Building credit could be used to encourage mixed developments.
- e. Vacant Building Credit has not been modelled in the Viability assessment therefore its exclusion from the policy will not affect the deliverability of the plan.

The [bold] policy is inadequate and lacks detail [bold] which makes it ineffective and could lead to poor quality development and sub-standard land unaffordable living arrangements. In lieu of any supplementary planning policy, policy must be expanded in order to ensure quality and amenity and demonstrate how the amenities are 'sufficient' and must relate to a maximum resident number to ensure the building capacity is viable. It should be noted the unit and resident number may not match if some rooms are occupied by couples. This is especially important for Exeter given the market for this type of housing is emerging and policy should draw on that from LPA's where this market is more established (e.g. London). The "minimum communal spaces" in the policy only sets out the type of facility, not any indication of the minimum expectation or ratio .e.g is one kitchen expected per 5 people or per floor? Such amenities must be free to use in perpetuity. it is noted that the Local Viability Assessment is based on a minimum of 35m2, which should therefore inform the minimum room size which should be set out in the policy.

The policy [bold] does not demonstrate how it meets the public sector equality duty to meet the needs of people with disabilities [bold] given that policy H14b couldn't apply to co-living.

The [bold] policy does not consider the impact on the development on the local neighbourhood and local services [bold] in terms of the creation of clusters of co-living or co-living and PBSA, especially as such developments will depend on the use of local amenities and services and impact on the mix of the neighbourhood or may in some cases undermine local public amenities through the provision of onsite amenities such as cinema, or swimming

pool. development should be encouraged to include public amenities and employment opportunities such as restaurants, bars and communal workspace which should be promoted for use by the surrounding local community; and be made available co-living residents at no extra cost. Any employment-space uses complement and strengthen the local economy.

Monitoring of Co-living should include information about the cumulative impact on services and infrastructure of existing co-living and similar development types such as purpose built student accommodation (PBSA). Management companies should provide an annual report on the occupancy levels in order to enable the council to assess the extent to which this housing typology meets local housing needs.

Co-living should **only** be considered where the housing mix is lacking to meet local needs **i.e.** for a lack of accommodation for single-person households who cannot, or choose not to, live in self-contained homes or HMOs. Clusters of such development should be prevented in order to not 'crowd out' conventional housing schemes, affecting the ability to meet a range of needs. To protect neighbourhood amenity new developments of this type should be sited away from any emerging clusters of co-living, especially where there is also a cluster of PBSA; or add to housing mix where it is lacking so the pipeline of the housing mix in the neighbourhood should be considered in decision decision-making.

Affordable housing-

Given the nature of the housing type it is clear that co-living cannot be considered an affordable housing offer. It does not provide accommodation suitable for households in need of genuinely affordable housing.

H6 sets out a **financial contribution** towards the off-site provision **of** affordable housing in accordance with Policy H5. However, H5 sets out a presumption of an onsite contribution. **H6** should set out an expectation that affordable units are required onsite or provide tailored provisions for offsite affordable housing provision that are relevant to co-living developments.

This should include **affordable housing** at a higher proportion. **Given** that accommodation units are calculated in the housing supply figures on a pro rata basis (80%) which results in a significant reduction in the affordable housing numbers or financial contribution, for instance:

500 build to rent units @ 20% affordable housing = 100 units;
compared to 500 co-living units @ 20% affordable offsite housing = 80 units.

Where land is provided by the Local Authority (as is has been) for Coliving development - the proportion of affordable housing contribution should be higher as this is a short term commercial housing product and the LA is foregoing the use of the land and affordable housing contributions necessary for long term social rent opportunities.

Housing mix: **Whilst** co-living is considered to provide an additional housing option for some people, this type of accommodation does not meet minimum housing standards and cannot therefore be considered to meet the ongoing needs of households in Exeter. In light of above, the small nature of Exeter as a city and to encourage mixed neighbourhoods, developments consisting only Co-living should be discouraged. As discussed, affordable housing should be encouraged on site and to achieve this on larger sites, particularly where opportunities to provide a mix of sizes and tenures within the area are constrained, blocks of conventional C3 housing in addition to co-living units should be encouraged.

Modifications: Drawing on the London Local Plan policy where co-living is a more established market the following additions and amendments are requested in order to improve effectiveness of the policy and deliverability of good quality development. It is noted that a co-living supplementary planning document is proposed in the local development scheme, so a policy should be set out in full in the Local Plan.

[bold] To ADD to improve soundness: [bold]

Vacant Building Credit does not apply to developments consisting of 100% co-living units. Vacant Building Credit will apply where co-living makes up no more than 25% of a development

‘Developments should be located and designed to contribute positively to the character of the area, and the creation of mixed and inclusive neighbourhoods. At the neighbourhood level, development should be located away from any emerging clusters or concentrations of Co-living and PBSA; or add to housing mix where it is lacking.’

[continues... as policy is in preamble:]

Such concentrations may be spatial (particularly at neighbourhood scale) or as a proportion of housing delivery overall. In these cases co-living may be considered to ‘crowd out’ conventional housing schemes, affecting the ability to meet a range of needs.

On larger sites of 50 potential units or more, ‘particularly where opportunities to provide a mix of sizes and tenures within an area are constrained, a proportion of conventional C3 housing in addition to co-living will be sought.

The development should ensure the associated public realm is designed with different users in mind, including both residents and people in the surrounding communities who use wheelchairs or who have other mobility impairments.

‘Where necessary, improvements to the surrounding public realm should be achieved through planning obligations to ensure good connectivity through walking, cycling, green infrastructure and other streetscape elements. These should mitigate any crowding impacts that may arise at particular times from building access or egress.

Building design should have regard to the needs of people with a range of disabilities and impairments. Beyond wheelchair access, this could include the impacts of other mobility, sensory, dexterity and learning difficulties; and needs arising from particular mental health conditions. Design responses should consider the use of colour, light, soundproofing and way-finding; the ease of opening doors and windows; equipment/facility height; and space for wheelchair access and manoeuvres.’ A minimum of 10% of units should be fully wheelchair accessible.

A maximum resident number must be set out. The approach to internal and external communal areas should be design led, taking into consideration the composition of the different spaces, their interrelationships across the building and their use(s). Where bedroom sizes are smaller, it should be expected that a higher quantum of communal space is achieved to help offset this, though a balanced approach is preferred.

Communal areas should be inclusive, well designed, adequately sized, well ventilated, conveniently accessed, and sufficient to meet the requirements of the anticipated number of residents. They should be designed for flexible use, so residents can feel a reasonable degree of autonomy and are enabled to develop a sense of community. There should be the potential for different ways of using the space over the course of a day or a week, and over time. Where appropriate, communal facilities should integrate with the public realm and external

spaces.'

Provision of some public (non-resident) access to elements of the communal facilities is encouraged, to promote integration of the Co-living with the local area. This may be particularly appropriate for workspaces and facilities such as cafes. Facilities open to the public may count towards resident communal space requirements where they are integrated within the Co-living accommodation, managed integrally by the building's manager; and accessible to residents at least 12 hours a day, and at least six days a week.

Units should be accessed through a shared internal area and not have a separate external access.

Units should be suitably sized to accommodate amenities for sleeping, eating, working, relaxing and storage. They should be no less than [35] sqm, and no more than [x] sqm, to avoid them being used as substandard self-contained units. Larger units may be suitable for occupation by couples. Accessible units are generally expected to be between [x] and [x] sqm to accommodate ease of access to the amenities

Units should be designed to receive adequate levels of daylight, sunlight, ventilation, outlook and privacy, and must be protected from internal and external sources of noise, to ensure good-quality living conditions.

Recommended benchmarks of total internal communal amenity space provision:

Up to 100 internal amenity space 10 sqm per resident

Every additional resident from 101 to 400 8 sqm per additional resident

Every additional resident from 401 6 sqm per additional resident

Add additional clauses in relation to amenity and improve soundness:

- Adequate laundry and drying facilities should be provided for residents at no additional charge; and should not be used by the management company for washing bedding and linen. The management plan should include information that demonstrates how the proposed provision will satisfy the needs of future residents; and how the machines will be managed and maintained.

- Lounge and living spaces should be of high-quality design to encourage incidental meetings, socialising, lounging, engagement and recreation. A variety of spaces should be provided to allow for smaller group interactions; engagement for larger groups; and quieter spaces, such as prayer rooms.

- Internal communal (social/living) spaces should be distributed across the development to promote use and be easily accessible to all, including disabled people. They should be adequately sized; integrated within the building design; and not provided in leftover spaces.

- Sufficient and comfortable seating, in the form of sofas and lounge chairs, should be provided throughout the space to allow for lingering and comfortable interactions for the intended number of users. Quantity of seating provided should allow for residents' visitors.

- Common work areas should be provided, where possible, to enable hybrid working environments, and avoid the use of kitchen/dining spaces for these purposes. Use of these areas should be at no extra cost to residents. Such workspaces should have high-speed broadband connections. Desk spaces should be equipped with charging points; and should be fully adjustable for comfortable use over longer periods by residents of various heights and

disabilities.

- Toilet facilities should be provided in proximity to communal spaces, such that they are accessible to residents when away from their own rooms, and to their guests.

- Some additional storage areas, in the form of lockers or cupboards, should be provided for each resident to store personal belongings, including larger items.

- Opportunities for the provision of external communal space should be maximised, recognising its role in providing for both wellbeing and urban greening and biodiversity. Such space should be accessed directly from usable (and preferably communal) internal spaces. External communal space should be overlooked by usable internal spaces and, where possible, private units to avoid creating isolated areas that cannot be used safely.

- Any private balconies or terraces (for individual units) should not count towards the communal space requirement.

To AMEND to improve soundness:

Amend current clause c [additions in bold]

Include the following minimum communal spaces and facilities at a sufficient quantity to meet the needs of the total number of intended residents and located to provide each resident with convenient access:

- A kitchen **to be set at a ratio e.g. 0.5 sqm per resident, to include one cooking station per 5 residents, minimum equipment to include: Hob & oven, sink and draining board, Fridge with freezer, Dishwasher, Microwave, Base or wall units for food and utensil storage**
- Other internal space for dining and socialising; **Two dining spaces per cooking station; or number of dining spaces = 25% of total residents**
- Collaborative workspace;
- Outdoor amenity space **communal** **roof terrace and/or garden**; **Up to 400 residents 5 sqm per resident Every additional resident from 401 3 sqm per additional resident**
- Laundry and drying facilities; **One washer and one dryer per 30 residents** **and**
- Storage and refuse facilities. **storage xm2/per person, refuse/recycling facilities in units and communal area, including recycling**
- **Toilet facilities in communal areas.**
- **Circulation space (corridors, stairs, lifts, lift lobbies)**
- **Cycle storage 0.75m2 per person**
- **Car parking - none, only [x] number per 100 for blue badge holders.**

Amend Affordable housing contribution clause d to meet the objectively assess housing need set out in the LHNA:

Deliver a financial contribution towards the off-site provision of affordable or social housing. The expected contribution will be assessed in relation to either 35 per cent of the units, or 50 per cent where the development is on public-sector land or industrial land appropriate for residential uses. The contribution is to be based on 50 per cent of the market value.

If the site is suitable for incorporating other types of development in addition to the co-living, on-site provision of C3 affordable housing should be encouraged.

[italic] Amend clause I [italic]

Are professionally managed in accordance with a [bold] detailed and resourced [bold] Management Plan that includes

a. a regime for cleaning, waste management and collection, maintenance, security and the provision of social activities;

[bold] b. the maximum number of residents that can occupy the Co-living development [bold]

[bold] c. how the proposed communal equipment, facilities and spaces, and their operation and maintenance, will satisfy the varying needs of this number of residents and their guests, on an ongoing basis; [bold]

[bold] d. how management practices will meet policy requirements, including to ensure that the development continues to function as a high-quality Co-living scheme. [bold]

[bold] e. The management plan should be appropriately secured through a section 106 agreement. It should detail how the Co-living development will be managed by a single management company, whilst allowing for appropriate transfers, in perpetuity. And it should provide for continuity of communal space, facility and service provision, including relevant aspects of the inclusive design statement, in perpetuity, regardless of changes in ownership or management. [bold]

[bold] f. Security and fire safety procedures - this should include detail regarding:

i. relevant procedures for emergency and fire access and exit (as separate information, but aligned with, the fire safety statement)

ii. safeguarding of external and internal communal spaces, and safety measures for private units and communal spaces registration of any electrical products, such as white goods, that are built into the property, and encouraging residents to do the same; this will help to pick up any recalls, and ensure safety of the residents and the building preparation of Personal Emergency Evacuation Plans (PEEPS) for all residents whose ability to self-evacuate may be compromised, taking into account the General Data Protection Regulations (GDPR) and the Data Protection Act (2018). [bold]

[bold] g. Move-in and move-out arrangements, deliveries and servicing - this should include detail regarding:

i. the location of loading and unloading areas to ensure the public realm is not obstructed by parked vehicles, and there is no negative impact on highway or road traffic, nor on surrounding communities

ii. timings of move-in and move-out to avoid congestion impacts, and impacts on any other important events (e.g.

cultural celebrations) in the surrounding communities routes and lifts to be used during move-in and move-out, to ensure the smooth operation of communal spaces and other services of the development security and concierge provision storage facilities for deliveries when a resident is not immediately available. [bold]

[bold] h. Management and maintenance of all internal and external areas of the development - this should include detail regarding:

- i. hours of operation for various functions,
- ii. allowing for appropriate cleaning and maintenance access resourcing of communal areas including communal cooking and dining equipment, cleaning materials and waste management receptacles
- iii. procedures for how cooking and dining facilities will be managed and maintained to ensure all residents can comfortably cook and eat when they desire, avoiding wait times and conflict with people using the space for other purposes systems and procedures to ensure appropriate cooking facilities for faith-based groups, and those with particular allergies and dietary preferences - for example, by designating separate cooking stations,
- iv. storage and fridge/freezers within the kitchen areas,
- v. provision of quiet spaces, with the flexibility to be used as prayer rooms if required by residents
- vi. where a facility has an element of public use, the ways in which there will always be sufficient availability/capacity for residents first and foremost, as opposed to external users,
- vii. cycle storage provision, servicing, maintenance and upkeep
- viii. personal storage management out-of-hours management landscaping upkeep. [bold]

[bold] i. Cleaning and linen-changing - this should include detail regarding:

- i. location of facilities for linen laundry, storage and related services location of facilities for waste management, refuse and recycling linen changing and/or room-cleaning services (e.g. a schedule)
- ii. the cleaning of internal and external communal facilities and spaces including associated waste management provision [bold]

[bold] j. Tenancy arrangements:

- i. ensure 3 month plus tenancy agreements for all units
- ii. ensure that no part of the coliving accommodation is run as a hotel or hostel
- iii. prevent cohabiting in smaller private units, and
- iv. exceedance of the maximum resident number
- v. prevent units being turned into self-contained units (e.g. through additional equipment being installed within them)

vi. detail how marketing will promote the inclusiveness of the development, with appropriate awareness of the accessible room provision and other features that cater to diversity of need rather than a particular demographic

vii. provide for all services and facilities that are included in the assessment of sufficiency to be covered the rent, except utility bills for individual units (although rents may be inclusive of bills). [bold]

Requested to attend examination?: Yes

Ref: F-04-06-H06

Representor: Exeter Liberal Democrats

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H6: Co-living housing

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: [bold] Co-living housing [bold]

1. The eligibility of Vacant Building Credit should be removed from co-living development because
 - a. Accepted that most co-living developments are going to be on brownfield sites, as these are considered to be the most sustainable locations for such developments, it would diminish the affordable living contributions in locations where affordable homes are needed most (often city centre)
 - b. This is because Co-living is intended as temporary type tenure not long term accommodation such a subsidy is not appropriate as such accommodation is unproven and will distort the mix of accommodation in the city.
 - c. Co-living already has a subsidy in the form of no contribution to CIL and given the higher density of development could lead to a negative impact on local amenities, greenspace and heritage.
 - d. Vacant Building credit could be used to encourage mixed developments.
 - e. Vacant Building Credit has not been modelled in the Viability assessment [1] therefore its exclusion from the policy will not affect the deliverability of the plan.
2. The policy is inadequate and lacks detail which makes it ineffective and could lead to poor quality development and sub-standard and unaffordable living arrangements. In lieu of any supplementary planning policy, policy must be expanded in order to ensure quality and amenity and demonstrate how the amenities are 'sufficient' and must relate to a maximum resident number to ensure the building capacity is viable. It should be noted the unit and resident number may not match if some rooms are occupied by couples. This is especially important for Exeter given the market for this type of housing is emerging and policy should draw on that from LPA's where this market is more established (e.g. London [2]). The "minimum communal spaces" in the policy only sets out the type of facility, not any indication of the minimum expectation or ratio .e.g is one kitchen expected per 5 people or per floor? Such amenities must be free to use in perpetuity. it is noted that the Local Viability Assessment is based on a minimum of 35m², which should therefore inform the minimum room size³ which should be set out in the policy.
3. The policy does not demonstrate how it meets the public sector equality duty to meet the needs of people with disabilities given that policy H14b couldn't apply to co-living.

4. The policy does not consider the impact on the development on the local neighbourhood and local services in terms of the creation of clusters of co-living or co-living and PBSA, especially as such developments will depend on the use of local amenities and services and impact on the mix of the neighbourhood or may in some cases undermine local public amenities through the provision of onsite amenities such as cinema, or swimming pool. development should be encouraged to include public amenities and employment opportunities such as restaurants, bars and communal workspace which should be promoted for use by the surrounding local community; and be made available co-living residents at no extra cost. Any employment-space uses complement and strengthen the local economy.

5. Monitoring of Co-living should include information about the cumulative impact on services and infrastructure of existing co-living and similar development types such as purpose built student accommodation (PBSA). Management companies should provide an annual report on the occupancy levels in order to enable the council to assess the extent to which this housing typology meets local housing needs.

6. Co-living should only be considered where the housing mix is lacking to meet local needs i.e. for a lack of accommodation for single-person households who cannot, or choose not to, live in self-contained homes or HMOs. Clusters of such developments should be prevented if they have a detrimental impact on settled communities and achieving community balance. To protect neighbourhood amenity new developments of this type should be sited away from any emerging clusters of co-living, especially where there is also a cluster of PBSA; or high density of HMOs or student housing or add to housing mix where it is lacking so the pipeline of the housing mix in the neighbourhood should be considered in decision decision-making. Areas of the city covered by article 4 should be excluded from co-living housing due to existing strains on the settled community and the need to retain community balance.

7. Affordable housing -

Given the nature of the housing type it is clear that co-living cannot be considered an affordable housing offer. It does not provide accommodation suitable for households in need of genuinely affordable housing. The median annual salary for Exeter is £26,000 a current co-living site in Exeter has a minimum salary requirement of £40,800 to rent a room.

H6 sets out a financial contribution towards the off-site provision of affordable housing in accordance with Policy H5. However, H5 sets out a presumption of an onsite contribution. H6 should set out an expectation that affordable units are required onsite or provide tailored provisions for offsite affordable housing provision that are relevant to co-living developments.

This should include affordable housing at a higher proportion. Given that accommodation units are calculated in the housing supply figures on a pro rata basis (80%) which results in a significant reduction in the affordable housing numbers or financial contribution, for instance:

500 build to rent units @ 20% affordable housing = 100 units;
compared to 500 co-living units @ 20% affordable offsite housing = 80 units.

Where land is provided by the Local Authority (as is has been) for Coliving development - the proportion of affordable housing contribution should be higher as this is a short term commercial housing product and the LA is foregoing the use of the land and affordable housing contributions necessary for long term social rent opportunities.

8. Housing mix: Whilst co-living is considered to provide an additional housing option for some people, this type of accommodation does not meet minimum housing standards and cannot therefore be considered to meet the

ongoing needs of households in Exeter. In light of above, the small nature of Exeter as a city and to encourage mixed neighbourhoods, developments consisting only Co-living should be discouraged. As discussed, affordable housing should be encouraged on site and to achieve this on larger sites, particularly where opportunities to provide a mix of sizes and tenures within the area are constrained, blocks of conventional C3 housing in addition to co-living units should be encouraged.

Modifications: Drawing on the London Local Plan policy where co-living is a more established market the following additions and amendments are requested in order to improve effectiveness of the policy and deliverability of good quality development. It is noted that a co-living supplementary planning document is proposed in the local development scheme, so a policy should be set out in full in the Local Plan.

[bold] To ADD to improve soundness: [bold]

1. Vacant Building Credit does not apply to developments consisting of 100% co-living units. Vacant Building Credit will apply where co-living makes up no more than 25% of a development

2. 'Developments should be located and designed to contribute positively to the character of the area, and the creation of mixed and inclusive neighbourhoods. At the neighbourhood level, development should be located away from any emerging clusters or concentrations of Co-living and PBSA; or add to housing mix where it is lacking.'

[continues... as policy in preamble:]

Such concentrations may be spatial (particularly at neighbourhood scale) or as a proportion of housing delivery overall. In these cases co-living may be considered to 'crowd out' conventional housing schemes, affecting the ability to meet a range of needs.

3. On larger sites of 50 potential units or more, 'particularly where opportunities to provide a mix of sizes and tenures within an area are constrained, a proportion of conventional C3 housing in addition to co-living will be sought.

4. The development should ensure the associated public realm is designed with different users in mind, including both residents and people in the surrounding communities who use wheelchairs or who have other mobility impairments.

5. 'Where necessary, improvements to the surrounding public realm should be achieved through planning obligations to ensure good connectivity through walking, cycling, green infrastructure and other streetscape elements. These should mitigate any crowding impacts that may arise at particular times from building access or egress.

6. Building design should have regard to the needs of people with a range of disabilities and impairments. Beyond wheelchair access, this could include the impacts of other mobility, sensory, dexterity and learning difficulties; and needs arising from particular mental health conditions. Design responses should consider the use of colour, light, soundproofing and way-finding; the ease of opening doors and windows; equipment/facility height; and space for wheelchair access and manoeuvres. ' A minimum of 10% of units should be fully wheelchair accessible.

7. A maximum resident number must be set out. The approach to internal and external communal areas should be design led, taking into consideration the composition of the different spaces, their interrelationships across the building and their use(s). Where bedroom sizes are smaller, it should be expected that a higher quantum of

communal space is achieved to help offset this, though a balanced approach is preferred.

8. Communal areas should be inclusive, well designed, adequately sized, well ventilated, conveniently accessed, and sufficient to meet the requirements of the anticipated number of residents. They should be designed for flexible use, so residents can feel a reasonable degree of autonomy and are enabled to develop a sense of community. There should be the potential for different ways of using the space over the course of a day or a week, and over time. Where appropriate, communal facilities should integrate with the public realm and external spaces.

9. Provision of some public (non-resident) access to elements of the communal facilities is encouraged, to promote integration of the Co-living with the local area. This may be particularly appropriate for workspaces and facilities such as cafes. Facilities open to the public may count towards resident communal space requirements where they are integrated within the Co-living accommodation, managed integrally by the buildings manager; and accessible to residents at least 12 hours a day, and at least six days a week.

10. Units should be accessed through a shared internal area and not have a separate external access

11. Co-living blocks should not be permitted in residential areas where they would have a detrimental impact on settled communities in terms of amenities, and community balance, Co-Living should not be permitted in areas of the city covered by article 4 which are already under strain from HMOs

12. Units should be suitably sized to accommodate amenities for sleeping, eating, working, relaxing and storage. They should be no less than [35] sqm, and no more than [x] sqm, to avoid them being used as substandard self-contained units. Larger units may be suitable for occupation by couples. Accessible units are generally expected to be between [x] and [x] sqm to accommodate ease of access to the amenities

13. Units should be designed to receive adequate levels of daylight, sunlight, ventilation, outlook and privacy, and must be protected from internal and external sources of noise, to ensure good-quality living conditions.

14. Recommended benchmarks of total internal communal amenity space provision:

Up to 100 internal amenity space 10 sqm per resident

Every additional resident from 101 to 400 8 sqm per additional resident

Every additional resident from 401 6 sqm per additional resident

[italic] Add additional clauses in relation to amenity and improve soundness: [italic]

- Adequate laundry and drying facilities should be provided for residents at no additional charge; and should not be used by the management company for washing bedding and linen. The management plan should include information that demonstrates how the proposed provision will satisfy the needs of future residents; and how the machines will be managed and maintained.

- Lounge and living spaces should be of high-quality design to encourage incidental meetings, socialising, lounging, engagement and recreation. A variety of spaces should be provided to allow for smaller group interactions; engagement for larger groups; and quieter spaces, such as prayer rooms.

- Internal communal (social/living) spaces should be distributed across the development to promote use and be easily accessible to all, including disabled people. They should be adequately sized; integrated within the building design; and not provided in leftover spaces.

- Sufficient and comfortable seating, in the form of sofas and lounge chairs, should be provided throughout the space to allow for lingering and comfortable interactions for the intended number of users. Quantity of seating provided should allow for residents' visitors.
- Common work areas should be provided, where possible, to enable hybrid working environments, and avoid the use of kitchen/dining spaces for these purposes. Use of these areas should be at no extra cost to residents. Such workspaces should have high-speed broadband connections. Desk spaces should be equipped with charging points; and should be fully adjustable for comfortable use over longer periods by residents of various heights and disabilities.
- Toilet facilities should be provided in proximity to communal spaces, such that they are accessible to residents when away from their own rooms, and to their guests.
- Some additional storage areas, in the form of lockers or cupboards, should be provided for each resident to store personal belongings, including larger items.
- Opportunities for the provision of external communal space should be maximised, recognising its role in providing for both wellbeing and urban greening and biodiversity. Such space should be accessed directly from usable (and preferably communal) internal spaces. External communal space should be overlooked by usable internal spaces and, where possible, private units to avoid creating isolated areas that cannot be used safely.
- Any private balconies or terraces (for individual units) should not count towards the communal space requirement.

[bold] To AMEND to improve soundness: [bold]

Amend current clause c [additions in bold]

Include the following minimum communal spaces and facilities at a sufficient quantity to meet the needs of the total number of intended residents and located to provide each resident with convenient access:

- A kitchen [bold] to be set at a ratio e.g. 0.5 sqm per resident, to include one cooking station per 5 residents, minimum equipment to include: Hob & oven, sink and draining board, Fridge with freezer, Dishwasher, Microwave, Base or wall units for food and utensil storage [bold]
- Other internal space for dining and socialising; [bold] Two dining spaces per cooking station; or number of dining spaces = 25% of total residents [bold]
- Collaborative workspace;
- Outdoor amenity space ([bold] communal [bold] roof terrace and/or garden); [bold] Up to 400 residents 5 sqm per resident Every additional resident from 401 3 sqm per additional resident [bold] Laundry and drying facilities; [bold] One washer and one dryer per 30 residents) [bold] and
- Storage and refuse facilities. [bold] storage m^2 /per person, refuse/recycling facilities in units and communal area, including recycling [bold]
- [bold] Toilet facilities in communal areas. [bold]

- **Circulation space (corridors, stairs, lifts, lift lobbies)**
- **Cycle storage 0.75m2 per person**
- **Car parking - none, only [x] number per 100 for blue badge holders.**

Amend Affordable housing contribution clause d to meet the objectively assess housing need set out in the LHNA:

Deliver a financial contribution towards the off-site provision of affordable or social housing. The expected contribution will be assessed in relation to either 35 per cent of the units, or 50 per cent where the development is on public-sector land or industrial land appropriate for residential uses. The contribution is to be based on 50 per cent of the market value.

If the site is suitable for incorporating other types of development in addition to the co-living, on-site provision of C3 affordable housing should be encouraged.

Amend clause I

Are professionally managed in accordance with a **detailed and resourced** **Management Plan** that includes

a. a regime for cleaning, waste management and collection, maintenance, security and the provision of social activities;

b. the maximum number of residents that can occupy the Co-living development

c. how the proposed communal equipment, facilities and spaces, and their operation and maintenance, will satisfy the varying needs of this number of residents and their guests, on an ongoing basis;

d. how management practices will meet policy requirements, including to ensure that the development continues to function as a high-quality Co-living scheme.

e. The management plan should be appropriately secured through a section 106 agreement. It should detail how the Co-living development will be managed by a single management company, whilst allowing for appropriate transfers, in perpetuity. And it should provide for continuity of communal space, facility and service provision, including relevant aspects of the inclusive design statement, in perpetuity, regardless of changes in ownership or management.

f. Security and fire safety procedures -this should include detail regarding:

i. relevant procedures for emergency and fire access and exit (as separate information, but aligned with, the fire safety statement)

ii. safeguarding of external and internal communal spaces, and safety measures for private units and communal spaces registration of any electrical products, such as white goods, that are built into the property, and encouraging residents to do the same; this will help to pick up any recalls, and ensure safety of the residents and the building preparation of Personal Emergency Evacuation Plans (PEEPS) for all residents whose ability to self-

evacuate may be compromised, taking into account the General Data Protection Regulations (GDPR) and the Data Protection Act (2018). [bold]

[bold] g. Move-in and move-out arrangements, deliveries and servicing - this should include detail regarding:

i. the location of loading and unloading areas to ensure the public realm is not obstructed by parked vehicles, and there is no negative impact on highway or road traffic, nor on surrounding communities

ii. timings of move-in and move-out to avoid congestion impacts, and impacts on any other important events (e.g. cultural celebrations) in the surrounding communities routes and lifts to be used during move-in and move-out, to ensure the smooth operation of communal spaces and other services of the development security and concierge provision storage facilities for deliveries when a resident is not immediately available. [bold]

[bold] h. Management and maintenance of all internal and external areas of the development - this should include detail regarding:

i. hours of operation for various functions,

ii. allowing for appropriate cleaning and maintenance access resourcing of communal areas including communal cooking and dining equipment, cleaning materials and waste management receptacles

iii. procedures for how cooking and dining facilities will be managed and maintained to ensure all residents can comfortably cook and eat when they desire, avoiding wait times and conflict with people using the space for other purposes systems and procedures to ensure appropriate cooking facilities for faith-based groups, and those with particular allergies and dietary preferences - for example, by designating separate cooking stations,

iv. storage and fridge/freezers within the kitchen areas,

v. provision of quiet spaces, with the flexibility to be used as prayer rooms if required by residents

vi. where a facility has an element of public use, the ways in which there will always be sufficient availability/capacity for residents first and foremost, as opposed to external users,

vii. cycle storage provision, servicing, maintenance and upkeep

viii. personal storage management out-of-hours management landscaping upkeep. [bold]

[bold] i. Cleaning and linen-changing - this should include detail regarding:

i. location of facilities for linen laundry, storage and related services location of facilities for waste management, refuse and recycling linen changing and/or room-cleaning services (e.g. a schedule)

ii. the cleaning of internal and external communal facilities and spaces including associated waste management provision [bold]

[bold] j. Tenancy arrangements:

i. ensure 3 month plus tenancy agreements for all units

- ii. ensure that no part of the coliving accommodation is run as a hotel or hostel
- iii. prevent cohabiting in smaller private units, and
- iv. exceedance of the maximum resident number
- v. prevent units being turned into self-contained units (e.g. through additional equipment being installed within them)
- vi. detail how marketing will promote the inclusiveness of the development, with appropriate awareness of the accessible room provision and other features that cater to diversity of need rather than a particular demographic
- vii. provide for all services and facilities that are included in the assessment of sufficiency to be covered the rent, except utility bills for individual units (although rents may be inclusive of bills). [bold]

Requested to attend examination?: Yes

Ref: H-10-06-H07

Representor: Anonymous

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H7: Custom and self-build housing

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: -

Requested to attend examination?: -

Ref: C-03-06-H07

Representor: Anne Codner

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H7: Custom and self-build housing

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Whilst we support the Council's efforts to deliver a diversified range of housing as part of the plan, at present, we do not consider the draft Policy to be sound for the following reasons:

- As an overarching point, there is no justification provided for the requirement of 5% on sites of 20 dwellings or more.
- At a practical level, there remains a fundamental conflict between the characteristics that typically attract demand from custom / self-build purchasers and trying to accommodate such plots on a wider "host" development site:
 - o With the need for at least some design continuity between the "host" site and the self/custom build plots, this takes away the freedom within the self-build plots.
 - o That being the case, the developer would be able to achieve economies of scale and deliver the same product at a lower price than it would cost a self-builder to achieve a building of the same floorspace.
 - o Unless a self-build site can have its own separate access (which in most cases is unachievable and unviable), the contracting associated with multiple self-build units, on top of any contractors associated to the "host" site is a significant health and safety challenge.

Modifications: • Justification should consider absolute need moving forward but also take into account consented supply as well as realistic levels of demand for self-build plot purchase within larger "host" development sites.

- Our position is that if there is demonstrable and viable demand for self and custom built plots, the delivery of these would be more appropriate on sites specifically allocated for self-build (i.e. not part of larger host developments), or on sites where an element of self/custom build is expressly supported by the land owner.

Given the extensive nature of the comments, we do not propose specific wording changes and urge the Council to consider substantive changes to this draft Policy prior to submission.

Requested to attend examination?: Yes

Ref: C-15-06-H07

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H7: Custom and self-build housing

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Edenstone support the Council's efforts to deliver a diversified range of housing, however, at present, they do not consider the draft Policy to be sound for the following reasons:

- As an overarching point, there is no justification provided for the requirement of 5% on sites of 20 dwellings or more. Justification should consider absolute need moving forward, but also take into account consented supply as well as realistic levels of demand for self-build plot purchase within larger "host" development sites.
- At a practical level, there remains a fundamental conflict between the characteristics that typically attract demand from custom / self-build purchasers and trying to accommodate such plots on a wider "host" development site:
 - o With the need for at least some design continuity between the "host" site and the self/custom build plots, this takes away the freedom within the self-build plots.
 - o That being the case, the developer would be able to achieve economies of scale and deliver the same product at a lower price than it would cost a self-builder to achieve a building of the same floorspace.
 - o Unless a self-build site can have its own separate access (which in most cases is unachievable and unviable), the contracting associated with multiple self-build units, on top of any contractors associated to the "host" site is a significant health and safety challenge.
- Edenstone's position is that if there is demonstrable and viable demand for self and custom built plots, the delivery of these would be more appropriate on sites specifically allocated for self-build (i.e. not part of larger host developments), or on sites where an element of self/custom build is expressly supported by the land owner.

Modifications: Given the extensive nature of the comments, Edenstone do not propose specific wording changes and urge the Council to consider substantive changes to this draft Policy prior to submission.

Requested to attend examination?: Yes

Ref: C-25-06-H07

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H7: Custom and self-build housing

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Whilst Morgan Real Estate support the Council's efforts to deliver a diversified range of housing, at present, they do not consider the draft Policy to be sound for the following reasons:

- As an overarching point, there is no justification provided for the requirement of 5% on sites of 20 dwellings or more. Justification should consider both absolute need moving forward, but also take into account consented supply as well as realistic levels of demand for self-build plot purchase within larger "host" development sites.
- At a practical level, there remains a fundamental conflict between the characteristics that typically attract demand from custom / self-build purchasers and trying to accommodate such plots on a wider "host" development site:
 - o With the need for at least some design continuity between the "host" site and the self/custom build plots, this takes away the freedom within the self-build plots.
 - o That being the case, the developer would be able to achieve economies of scale and deliver the same product at a lower price than it would cost a self-builder to achieve a building of the same floorspace.
 - o Unless a self-build site can have its own separate access (which in most cases is unachievable and unviable), the contracting associated with multiple self-build units, on top of any contractors associated to the "host" site is a significant health and safety challenge.

Fundamentally however, there are sites within the city centre, such as the East Gate regeneration area, that are simply unsuitable for self build housing. Indeed, development in the city centre would be accommodating the highest density developments given the need to maximise the use of finite brownfield land in the most sustainable location. Such sites would therefore be flats / apartments. It is considered entirely impractical to consider serviced plots for self build housing on city centre sites such as this.

Modifications: Morgan Real Estate's position is therefore that reference to serviced plots for self or custom build should be removed from the East Gate allocation. This point is also addressed in the response to draft Policy SBA2.

Morgan Real Estate's position more generally is that if there is demonstrable and viable demand for self and custom built plots, the delivery of these would be more appropriate on sites specifically allocated for self-build (i.e.

not on city centre sites and not part of larger host developments), or on sites where an element of self/custom build is expressly supported by the land owner.

Given the extensive nature of the comments, Morgan Real Estate do not propose specific wording changes and urge the Council to consider substantive changes to this draft Policy prior to submission.

Requested to attend examination?: Yes

Ref: C-32-06-H07

Representor: South West Housing Association Planning Consortium

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H7: Custom and self-build housing

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Draft Policy H7 adds that Custom and Self-Build will be required on development proposals of 20 or more homes, where 5% of homes should be made available as serviced plots for sale to custom or self-builders. The SWHAPC does not currently support this element of the draft policy as the threshold of 20 homes is considered far too low. We suggest that this threshold should be increased to apply to significantly larger major housing developments, perhaps those over 500 dwellings.

A policy requirement to deliver a minimum percentage of self-build units on a scheme can create some challenges for Affordable Housing Providers with grant allocation. Self-Build plots are of an open market tenure. If an Affordable Housing Provider wishes to deliver a 100% affordable scheme it cannot include any open market units, otherwise it cannot secure grant funding to all plots, including the S106 policy requirement. The SWHAPC therefore ask that draft Policy H7 includes no Custom and Self-Build requirement on 100% affordable housing proposals given that these sites are meeting much of the acute affordable housing need in Exeter. This would help to ensure that such sites deliver maximum levels of affordable housing in the city, particularly as many development allocations in Exeter are on brownfield land where only a 15% affordable housing provision is required.

Furthermore, the SWHAPC suggests an inclusion in the policy wording which would see an order of priority for any viability challenges to ensure that custom and self-building housing is removed from schemes first before any loss in affordable housing provision is considered.

The SWHAPC welcomes some clarification on how the Council will ensure that quality is maintained for the Self-Build plots. The SWHAPC advises that the Council refers to the Self-Build and Custom Housebuilding Planning Practice Guidance when formulating new policy.

Modifications: [...] We suggest that this threshold should be increased to apply to significantly larger major housing developments, perhaps those over 500 dwellings.

[...] The SWHAPC therefore ask that draft Policy H7 includes no Custom and Self-Build requirement on 100% affordable housing proposals given that these sites are meeting much of the acute affordable housing need in Exeter. This would help to ensure that such sites deliver maximum levels of affordable housing in the city, particularly as many development allocations in Exeter are on brownfield land where only a 15% affordable housing provision is required.

Furthermore, the SWHAPC suggests an inclusion in the policy wording which would see an order of priority for any viability challenges to ensure that custom and self-building housing is removed from schemes first before any loss in affordable housing provision is considered.

The SWHAPC welcomes some clarification on how the Council will ensure that quality is maintained for the Self-Build plots. The SWHAPC advises that the Council refers to the Self-Build and Custom Housebuilding Planning Practice Guidance when formulating new policy.

Requested to attend examination?: -

Ref: C-40-06-H07

Representor: TT Group

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H7: Custom and self-build housing

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Whilst TT Group support the Council's efforts to deliver a diversified range of housing, at present, they do not consider the draft Policy to be sound for the following reasons:

- As an overarching point, there is no justification provided for the requirement of 5% on sites of 20 dwellings or more. Justification should consider absolute need moving forward, but also take into account consented supply as well as realistic levels of demand for self-build plot purchase within larger "host" development sites.
- At a practical level, there remains a fundamental conflict between the characteristics that typically attract demand from custom / self-build purchasers and trying to accommodate such plots on a wider "host" development site:
 - o With the need for at least some design continuity between the "host" site and the self/custom build plots, this takes away the freedom within the self-build plots.
 - o That being the case, the developer would be able to achieve economies of scale and deliver the same product at a lower price than it would cost a self-builder to achieve a building of the same floorspace.
 - o Unless a self-build site can have its own separate access (which in most cases is unachievable and unviable), the contracting associated with multiple self-build units, on top of any contractors associated to the "host" site is a significant health and safety challenge.

Fundamentally however, there are sites within the city centre, such as Exbridge House, that are simply unsuitable for self build housing. Indeed, development in the city centre would be accommodating the highest density developments given the need to maximise the use of finite brownfield land in the most sustainable location. Such sites would therefore predominantly deliver flats/ apartments. It is considered entirely impractical to consider serviced plots for self build housing on city centre sites such as this.

TT Group's position more generally is that if there is demonstrable and viable demand for self and custom built plots, the delivery of these would be more appropriate on sites specifically allocated for self-build (ie not on city centre sites and not part of larger host developments), or on sites where an element of self/custom build is expressly supported by the land owner.

Modifications: Given the extensive nature of the comments, TT Group do not propose specific wording changes and urge the Council to consider substantive changes to this draft Policy prior to submission.

Requested to attend examination?: -

Ref: D-06-06-H07

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H7: Custom and self-build housing

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Policy H7 has a requirement for self-build housing, suggesting that certain sites should have 5% of plots made available for such development, and fully serviced. However, the majority of new residential development sites identified in the local plan (that do not have planning approval) are complex brownfield sites where individual plots are unlikely.

6.40 says that the plot could be an area of land or a customisable unit, but we have concerns that a customisable apartment shell, whilst offering an opportunity for some, is not in the spirit self-building because the fabric of the building, windows and drainage are likely to be in fixed positions, offering little scope for designing a home. Furthermore, the owner will be subject to service charges and possibly leasehold charges.

ECS monitors most planning applications, and despite the Plan indicating that there is a demand for 20 plots a year, we are not aware that ECC have required self-build plots on appropriate sites in recent years to meet their duty to grant sufficient planning permissions (para 6.38).

Modifications: H7a reworded 'on development proposals of twenty or more homes, 5% of homes/plots should be made available as serviced plots for sale to custom self-builders (and include a statement about at reasonable cost?)

H7b delete. We do not understand why windfall sites over 20 homes/plots are treated differently and the term 'within the urban boundary' is used because all development in the city will be in the urban area.

Requested to attend examination?: No

Ref: D-07-06-H07

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H7: Custom and self-build housing

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: H7: Custom and Self-Build Housing

Policy H7 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

This policy states that custom and self-build housing will be supported on development proposals of twenty or more homes where 5% of homes should be made available as serviced plots for sale to custom or self-builders. It also highlights that custom and self-build housing developments will be required to deliver affordable housing in accordance with Policy H4. The policy then goes on to provide details in relation to what the Council expect from each of the plots including the need for active and appropriate marketing for a period of at least 12 months from it being fully serviced and developable.

The HBF would be keen to understand the evidence to support the need for custom and self-build housing in Exeter, and how it has informed the requirements of this policy. The PPG[19] sets out how custom and self-build housing needs can be assessed. Figure 72 of the LHNA identifies that an average of 20 new applicants join the Self-build and Custom Homebuilding Register each year, with 19 applicants added in the period 2022-23. The LHNA does not appear to set out the locations that people are looking for in relation to plots, so it is not clear if the demand is in line with the Council's spatial strategy. The HBF does not consider that the Council has appropriate evidence to support the requirement for developers on sites of 20 dwellings or more to provide 5% of all new homes as plots for custom or self-build housing. The HBF is concerned that as currently proposed this policy will not assist in boosting the supply of housing and may even limit the deliverability of some sites and homes. The HBF considers that the Council's evidence does not show that there is a demand from custom and self-builders to live on sites within a larger residential development scheme.

The HBF does not consider that requiring developments of 20 or more homes to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

It is considered unlikely that the provision of self and custom build plots on new housing developments can be co-ordinated with the development of the wider site. At any one time, there are often multiple contractors and large machinery operating on-site from both a practical and health and safety perspective, it is difficult to envisage the

development of single plots by individuals operating alongside this construction activity.

However, if a self-build policy is to be pursued, then the HBF agrees that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self and custom builders. The HBF would therefore suggest that any unsold plots should revert to the original developer after a six-month marketing period.

[19] PPG ID: 67-003-20190722

Modifications: [...] The HBF does not consider that requiring developments of 20 or more homes to provide for self-builders is appropriate. Instead, the HBF advocates for self and custom-build policies that encourage self and custom-build development by setting out where it will be supported in principle. The HBF considers that Councils can play a key role in facilitating the provision of land as set in the PPG. This could be done, for example, by using the Councils' own land for such purposes and/or allocating sites specifically for self and custom-build home builders- although this would need to be done through discussion and negotiation with landowners.

[...] However, if a self-build policy is to be pursued, then the HBF agrees that if demand for plots is not realised, it is important that plots should not be left empty to the detriment of neighbouring properties or the whole development. The timescale for reversion of these plots to the original housebuilder should be as short as possible from the commencement of development because the consequential delay in developing those plots presents further practical difficulties in terms of co-ordinating their development with construction activity on the wider site. There are even greater logistical problems created if the original housebuilder has completed the development and is forced to return to site to build out plots which have not been sold to self and custom builders. The HBF would therefore suggest that any unsold plots should revert to the original developer after a six-month marketing period.

Requested to attend examination?: Yes

Ref: A-01-06-H08

Representor: Devon County Council

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H8: Homes for older people

Paragraph: 6.46 and 6.48

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The inclusion of extra care housing and affordable specialist provision is imperative within the Plan policies. Therefore, we support Policy H8 'Homes for older people' and Policy H9 'Supported housing'. As Marsh Barton is no longer proposed as a strategic site allocation, only one out of the two required extra care housing schemes remains identified within the Publication Plan site allocation policies (Water Lane Strategic Policy SBA1). Without another identified extra care housing scheme, there is uncertainty over whether sufficient extra care housing provision can be delivered in Exeter.

Modifications: Therefore, we consider that there is still a need to identify extra care housing provision within another site allocation. As stated in Appendix 1, we recommend that allocation SBA2 – East Gate is the most suitable site allocation due to its size and proximity to facilities as supported by Policy H8 but also recognise that alternative locations may come forward which can meet the criteria of Policy H8.

Paragraph 6.46 - We request that this paragraph 6.46 identifies extra care housing as an example of a 'relevant, specialist home' type in order to recognise the importance of location for these specific users. We request that the wording in bold is added:

"Where relevant, specialist homes for older people, [bold] such as extra care housing, [bold] should be located within easy walking distance (ideally no more than 400 metres) of local shops, services and facilities, including a bus stop or train station."

Paragraph 6.48 - The paragraph refers to "annex 8" of the Government's Supported Housing: National Statement of Expectations. We consider that this reference is incorrect and should refer to [bold] "Annex A" [bold] instead.

Requested to attend examination?: -

Ref: C-08-06-H08

Representor: Churchill Living and McCarthy Stone

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H8: Homes for older people

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The draft policies (H8 and H9) provide dedicated policies supporting the delivery of housing for older people which is welcome. These comments focus on housing for older people and not a wider range of supported housing as described in H9.

The NPPF looks at delivering a sufficient supply of homes, Paragraph 62 identifies within this context, the size, type and tenure of housing needed for different groups in the community and this should be assessed and reflected in planning policies including older people.

In June 2019 the PPG was updated to include a section on Housing for Older and Disabled People, recognising the need to provide housing for older people. Paragraph 001 Reference ID: 63-001-20190626 states:

[italic] 'The need to provide housing for older people is [bold] critical [bold]. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; [bold] by mid-2041 this is [bold] projected to double to 3.2 million - [Embedded link: <https://www.ons.gov.uk/peoplepopulationcommunity/populationmigration/populationprojections>]. Offering older people a better choice of accommodation to suit their changing needs can help [bold] them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. [bold] Therefore, an understanding of how the ageing population affects housing needs is [bold] something to be considered from the early stages of plan-making through to decision-taking [bold]' [italic] (emphasis added)

Paragraph 003 Reference ID: 63-003-20190626 recognises that:

[italic] 'the health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support.' [italic]

Thus, a range of provision needs to be planned for. Paragraph 006 Reference ID: 63-006-20190626 sets out;

[italic] 'plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require.' [italic] In addition, para 012 Reference ID: 63-012-20190626 confirms that [italic] 'Plans need to provide for specialist housing for older people where a need exists. Innovative and diverse housing models will need to be considered where appropriate.' [italic]

The 2024 LHNA concludes that specialist housing (excluding care homes) for older people aged 75 years or more represents 7% of Exeters local housing need, of which around 20% comprises a need for housing with care (e.g. extra care housing) and around half derives from people in need of affordable housing. Policy H8 supports the provision of good quality specialist homes for older people to help address this need (paragraph 6.45).

There is need therefore to ensure that policies are fully supportive, and without restriction to allow delivery of housing to meet this identified need. However the range of sustainability requirements together with S106 and other requirements means that in our view, the policy basis as drafted is not fully supportive.

Both policy H8 and H9 set out that in the case of self contained homes for older people, policy H4 (affordable homes will apply). This requirement has been shown to be unviable within the councils viability evidence base and therefore should not be a requirement.

As set out within the responses to policy H8, the role for viability assessment is primarily at the plan making level according to the PPG. Viability discussions at the development management stage should refer back to the plan wide viability study therefore creating a layer of uncertainty and delay for older person housing proposals in Exeter.

We would also comment that typical older person housing developments range from 40-60 dwellings. 15% affordable housing would yield 6-9 affordable units on that range of development where viable. No registered provider will take such a small number of affordable units as part of a mixed management scheme, particularly where the proposal is a specialist age restricted proposal. Affordable tenures are far more likely to be delivered by specialist registered providers where they can control service charges and ensure affordability for residents in the long term and achieve sufficient economies of scale (typically at least 25+ units in our experience).

The policy ignores the requirements of national policy and the viability PPG to test viability on a typology basis and prepare policy in view of the findings of this evidence base. The councils evidence base is clear that the proposed infrastructure requirements in respect of zero carbon standards cannot be delivered on housing for older persons proposals together with the full range of other requirements.

The policy fails to acknowledge how a range of tenures may be delivered in practice and must be expanded to strongly support private and registered affordable providers in bringing forward proposals to address a range of needs in sustainable management arrangements.

Modifications: The Council [should] delete criteria f (H8) and g (H9).

Both policies should state that such proposals will be 'strongly supported' in light of identified need.

Both policies should state that

[italic] 'The council will work with providers of both market and affordable specialist housing to deliver a range of tenures with appropriate and sustainable management arrangements.' [italic]

The Council should re-consider the Policies H8-H9 as above.

Requested to attend examination?: Yes

Ref: A-01-06-H09

Representor: Devon County Council

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H9: Supported housing

Paragraph: 6.52

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The inclusion of extra care housing and affordable specialist provision is imperative within the Plan policies. Therefore, we support Policy H8 'Homes for older people' and Policy H9 'Supported housing'. As Marsh Barton is no longer proposed as a strategic site allocation, only one out of the two required extra care housing schemes remains identified within the Publication Plan site allocation policies (Water Lane Strategic Policy SBA1). Without another identified extra care housing scheme, there is uncertainty over whether sufficient extra care housing provision can be delivered in Exeter.

Modifications: Therefore, we consider that there is still a need to identify extra care housing provision within another site allocation. As stated in Appendix 1, we recommend that allocation SBA2 – East Gate is the most suitable site allocation due to its size and proximity to facilities as supported by Policy H8 but also recognise that alternative locations may come forward which can meet the criteria of Policy H8.

Paragraph 6.52 - The paragraph refers to "annex 8" of the Government's Supported Housing: National Statement of Expectations. We consider that this reference is incorrect and should refer to [bold] "Annex A" [bold] instead.

Requested to attend examination?: -

Ref: C-08-06-H09

Representor: Churchill Living and McCarthy Stone

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H9: Supported housing

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The draft policies (H8 and H9) provide dedicated policies supporting the delivery of housing for older people which is welcome. These comments focus on housing for older people and not a wider range of supported housing as described in H9.

The NPPF looks at delivering a sufficient supply of homes, Paragraph 62 identifies within this context, the size, type and tenure of housing needed for different groups in the community and this should be assessed and reflected in planning policies including older people.

In June 2019 the PPG was updated to include a section on Housing for Older and Disabled People, recognising the need to provide housing for older people. Paragraph 001 Reference ID: 63-001-20190626 states:

[italic] 'The need to provide housing for older people is [bold] critical [bold]. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; [bold] by mid-2041 this is [bold] projected to double to 3.2 million - [Embedded link: <https://www.ons.gov.uk/peoplepopulationcommunity/populationmigration/populationprojections>]. Offering older people a better choice of accommodation to suit their changing needs can help [bold] them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. [bold] Therefore, an understanding of how the ageing population affects housing needs is [bold] something to be considered from the early stages of plan-making through to decision-taking [bold]' [italic] (emphasis added)

Paragraph 003 Reference ID: 63-003-20190626 recognises that:

[italic] 'the health and lifestyles of older people will differ greatly, as will their housing needs, which can range from accessible and adaptable general needs housing to specialist housing with high levels of care and support.' [italic]

Thus, a range of provision needs to be planned for. Paragraph 006 Reference ID: 63-006-20190626 sets out;

[italic] 'plan-making authorities should set clear policies to address the housing needs of groups with particular needs such as older and disabled people. These policies can set out how the plan-making authority will consider proposals for the different types of housing that these groups are likely to require.' [italic] In addition, para 012 Reference ID: 63-012-20190626 confirms that [italic] 'Plans need to provide for specialist housing for older people where a need exists. Innovative and diverse housing models will need to be considered where appropriate.' [italic]

The 2024 LHNA concludes that specialist housing (excluding care homes) for older people aged 75 years or more represents 7% of Exeters local housing need, of which around 20% comprises a need for housing with care (e.g. extra care housing) and around half derives from people in need of affordable housing. Policy H8 supports the provision of good quality specialist homes for older people to help address this need (paragraph 6.45).

There is need therefore to ensure that policies are fully supportive, and without restriction to allow delivery of housing to meet this identified need. However the range of sustainability requirements together with S106 and other requirements means that in our view, the policy basis as drafted is not fully supportive.

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As set out within the responses to policy H8, the role for viability assessment is primarily at the plan making level according to the PPG. Viability discussions at the development management stage should refer back to the plan wide viability study therefore creating a layer of uncertainty and delay for older person housing proposals in Exeter.

We would also comment that typical older person housing developments range from 40-60 dwellings. 15% affordable housing would yield 6-9 affordable units on that range of development where viable. No registered provider will take such a small number of affordable units as part of a mixed management scheme, particularly where the proposal is a specialist age restricted proposal. Affordable tenures are far more likely to be delivered by specialist registered providers where they can control service charges and ensure affordability for residents in the long term and achieve sufficient economies of scale (typically at least 25+ units in our experience).

The policy ignores the requirements of national policy and the viability PPG to test viability on a typology basis and prepare policy in view of the findings of this evidence base. The councils evidence base is clear that the proposed infrastructure requirements in respect of zero carbon standards cannot be delivered on housing for older persons proposals together with the full range of other requirements.

The policy fails to acknowledge how a range of tenures may be delivered in practice and must be expanded to strongly support private and registered affordable providers in bringing forward proposals to address a range of needs in sustainable management arrangements.

Modifications: The Council [should] delete criteria f (H8) and g (H9).

Both policies should state that such proposals will be 'strongly supported' in light of identified need.

Both policies should state that

[italic] 'The council will work with providers of both market and affordable specialist housing to deliver a range of tenures with appropriate and sustainable management arrangements.' [italic]

The Council should re-consider the Policies H8-H9 as above.

Requested to attend examination?: Yes

Ref: F-02-06-H09

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H9: Supported housing

Paragraph: 6.49

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The policy is trying to enable the provision of homes for those who are often suffer disadvantage or discrimination with protected characteristics as set out under the Equality Act 2010:

[italic] "It includes, but is not limited to, housing for children in care, young people leaving care or with other support needs, people with physical and learning disabilities or those with mental health challenges who require additional support or for whom independent living is not possible, victims of domestic abuse, rough sleepers and people leaving hostels and refuges." [preamble 6.49] [italic]

The policy says (emphasis mine):

"Development proposals for good quality supported housing which meet an identified need will be supported when they:

...

f. [bold] Do not result in unacceptable harm to the amenity of neighbouring residents; [bold] and.."

This compares unfavourably and is not consistent with other policies such as that for students in PBSA, which has an alternative clause:

"H10 Are in single ownership and control and professionally managed in accordance with a Management Plan; and"

The Council must consider its Public Sector Equality duty [1] to

- eliminate unlawful discrimination, harassment, victimisation and any other unlawful conduct prohibited by the act
- advance equality of opportunity between people who share and people who do not share a relevant protected characteristic
- foster good relations between people who share and people who do not share a relevant protected characteristic

The Equality Act prohibits direct and indirect discrimination, which could be the result of this policy. In particular

indirect discrimination can arise where a policy or practice which seems neutral actually puts a person with a protected characteristic at a particular disadvantage.

The Council also has a duty: "Advancing equality of opportunity" means having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by people due to their relevant protected characteristics
- take steps to meet the different needs of people who share a relevant protected characteristic
- encourage participation in public life or any other activity by underrepresented groups
- take steps to meet the different needs of disabled persons

The policy provides no evidence that the residents of supported housing themselves or such supported housing might result "unacceptable harm" to the neighbourhood.

The policy also fails to set out how it will affect people with different protected characteristics compared to others in the population such as those living in PBSA or Co-living. These are the most relevant similar types of shared accommodation which have no policy in relation to 'unacceptable harm on amenity', although arguably could present such a harm, given the high density large scale nature of such accommodation resulting in large number of people in a small area of a neighbourhood. The policy H9 is therefore detrimental to people with one protected characteristic more than it would be to others.

The policy requires public bodies to monitor the actual impact of the policy so to the provision of such housing and its management plan should be monitored to ensure that it is meeting needs in the community.

[Footnotes]

[1] [Embedded link: <https://www.gov.uk/government/publications/public-sector-equality-duty-guidance-for-public-authorities/public-sector-equality-duty-guidance-for-public-authorities#how-to-comply-with-the-specific-duties>]

Modifications: Remove reference to "Do not result in unacceptable harm to the amenity of neighbouring residents"

replace with:

"Are in single ownership and control and professionally managed in accordance with a Management Plan."

Include in the monitoring section an Indicator, Target and Delivery Mechanisms in relation to H9

Requested to attend examination?: Yes

Ref: C-07-06-H10

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H10: Purpose built student accommodation

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Policy H10 (Purpose built student accommodation) is worded as follows:

Development proposals for purpose built student accommodation will be supported when they:

- a. Are located on the University of Exeter's campuses, in the city centre or on sites that are within controlled parking zones and well connected to the campuses, local services and facilities by walking, cycling and public transport;
- b. Provide residents with high quality housing comprising a private bedroom in a cluster flat or studio that affords adequate functional living space and layout, within a wider development that includes sufficient communal facilities, services and external amenity space to meet student needs;
- c. Are accompanied by a Transport Statement/Transport Assessment and Travel Plan and include no private car parking other than for blue badge holders;
- d. Incorporate appropriate facilities for bike storage, vehicle drop – off and pickup and service vehicles;
- e. Are in single ownership and control and professionally managed in accordance with a Management Plan; and
- f. Are future-proofed in terms of design to support potential alternative uses as appropriate.

Following the previous round of consultation, there have been a number of changes to the Policy and its supporting text that the Client strongly supports. These are as follows:

- The Client strongly supports the removal of "Do not contribute towards an excessive concentration of purpose built student accommodation in the locality" from the Policy wording.
- Similarly, the removal of "Proposals should also not contribute to an excessive concentration of purpose built student accommodation in the locality, as this will not support the maintenance or creation of a mixed community" from the Policy's supporting text is also endorsed.
- These amendments successfully reflect the fact that there is no robust or tangible evidence to suggest how an excessive concentration can occur and how this threshold can be measured or identified. It was also very ambiguous as to a) what was classed as the 'locality' as there was no clear definition provided and b) how the Policy would have accounted for existing PBSA developments suitable for redevelopment. The Client also argued that the policy wrongly amalgamated PBSA with the issue of HMOs, which is an entirely separate issue that should be considered under its own policy. In contrast to HMOs, PBSA developments require the submission of a student management plan, which ensures that they are well managed and controlled with occupiers required to

abide by the obligations set out within these plans. Therefore, the concentration of PBSA developments in a locality is not linked to adverse impacts. Additionally, this wording directly contradicted Part a. of the Policy. If Part a. is directing PBSA development to select locations, then concentrations in these select locations would likely have increased more rapidly than concentrations in other locations. Therefore, the two parts of the Policy were unlikely to work cohesively.

- The draft replacement text – “Consideration will be given to the potential local impacts of development so that potential issues for amenity are avoided and addressed appropriately in the context of the importance of mixed communities.” – is considered more appropriate.
- The Client also supports the removal of “The University currently forecasts more limited growth over the next few years, although this is uncertain due to the ever-changing landscape of higher education.”, which did not reflect the continued strong growth of the university as detailed below and the subsequent increasing need for PBSA.
- Finally, support is also given for the retainment of the target for 75% of additional student numbers to be housed in PBSA.

Whilst the Client continues to support the policy’s aim to support PBSA development in order to accommodate the growth of student numbers, there are still a number of ways in which the policy attempts to limit and restrict PBSA provision that the Client does not support. The Client therefore continues to make the following comments:

- Part a. of the policy seeks to place locational limits on PBSA development, restricting such accommodation to university campuses, the city centre and controlled parking zones.
- Whilst the Client agrees that PBSA should be in accessible, sustainable locations, close to transport links, the Client strongly disagrees with placing limits on PBSA development given the growing demand for bedspaces.
- The Policy’s supporting text highlights that the number of full-time equivalent students has increased significantly from 11,170 in 2006/7 to 27,280 in 2021/22. The University of Exeter website also outlines that there has been a 17% increase in total student numbers from 25,241 in 2019/20 and 29,549 in 2023/24. It is therefore clear that demand for student accommodation is invariably strong and that PBSA development should be encouraged in order to ensure that demand does not outpace delivery, resulting in a heightened imbalance.
- Without the provision of PBSA to cater for this growth, conventional housing will be converted into HMOs at an increasing rate, exacerbating pressure on existing housing supply.
- Additionally, as acknowledged in NPPG and the Housing Delivery Test measurement rule book, PBSA contributes to housing delivery at a ratio of 2.4 student bedspaces to 1 C3 dwelling. Draft Policy H1 (Housing Requirement) targets the delivery of at least 642 homes per year between 2021 and 2041. The NPPF targets adopted in December 2024 are even greater, targeting the delivery of 800 homes per annum. Placing limits on PBSA delivery therefore reduces contributions towards housing delivery and subsequently the City’s ability to meet increasing housing targets.

It is also noted that there have been additions to the supporting text of the Policy since the previous round of consultation. There are two additions that are of particular concern to the Client. These are as follows:

1. Firstly, the text states:

“In accordance with Planning Practice Guidance, purpose built student accommodation provided as studio flats

will count towards Exeter's housing requirement on a 1:1 basis. All other forms of student accommodation will be regarded as communal housing and will therefore count towards Exeter's housing requirement on a ratio of 1.8:1, as the per the Housing Delivery Test Rulebook."

This quotes an incorrect ratio. The Housing Delivery Test measurement rule book, recently updated on 12 December 2024, differentiates between PBSA and other communal accommodation. The ratio used for PBSA is 2.4:1 (previously 2.5:1 before December's amendments) and the ratio for other communal accommodation is 1.9:1 (previously 1.8:1 before December's amendments). Therefore, the above text mistakenly quotes the ratio used for other communal accommodation as opposed to PBSA. As a result, and following the recent updates, the text should therefore be updated to state 2.4:1.

1. Secondly, the following text has also been added:

"Financial pressures on students have increased significantly in recent years. In its report on Higher Education Funding in England (2017), the Institute of Fiscal Studies estimated that on graduation from a three year course, the average student debt nationally was £50,000 rising to £57,000 for students from the poorest backgrounds. Cushman and Wakefield's Student Accommodation Report (2023) concludes that Exeter is one of the most expensive cities for students in the United Kingdom in terms of rents charged for purpose built student accommodation. It is therefore vital that a range of purpose built student accommodation comes forward offering choice within the market to a variety of budgets. This should include a mix including cluster flats and standard bedrooms with shared bathrooms. Less expensive provision will promote equality of access to a university education and help encourage students to occupy purpose built student accommodation instead of HMOs"

From the above text, it is unclear how it is proposed to be established what constitutes a 'variety of budgets' or 'less expensive provision'. Further clarity would be required within the policy/supporting text wording in order for this element to be found sound.

In addition to this, the Client would also highlight that the provision of 'less expensive' accommodation will have viability impacts. Other policies within the draft Local Plan, for example those that concern the sustainability credentials of new development, come at an increased cost for developers. Therefore, when coupled with the provision of lower cost accommodation, this can detrimentally impact the viability of future schemes and developers may look to other cities where this is not a requirement. This would thus leave Exeter with an imbalance between student growth and PBSA development.

Furthermore, whilst the Client promotes a mix of student accommodation types including cluster flats, studios and standard bedrooms with shared bathrooms, the Client requests further clarity in the text to note that this should be based on the individual site's circumstances. The current wording is unclear and could be interpreted as a requirement that each development 'should include' both cluster flats and shared bathroom accommodation.

Modifications: [...] The draft replacement text – "Consideration will be given to the potential local impacts of development so that potential issues for amenity are avoided and addressed appropriately in the context of the importance of mixed communities." – is considered more appropriate.

[...] Therefore, the above text mistakenly quotes the ratio used for other communal accommodation as opposed to PBSA. As a result, and following the recent updates, the text should therefore be updated to state 2.4:1.

[...] From the above text, it is unclear how it is proposed to be established what constitutes a 'variety of budgets' or 'less expensive provision'. Further clarity would be required within the policy/supporting text wording in order

for this element to be found sound.

[...] Furthermore, whilst the Client promotes a mix of student accommodation types including cluster flats, studios and standard bedrooms with shared bathrooms, the Client requests further clarity in the text to note that this should be based on the individual site's circumstances. The current wording is unclear and could be interpreted as a requirement that each development 'should include' both cluster flats and shared bathroom accommodation.

[bold] Recommendation: [bold] Policy H10 should be amended to remove locational limits on PBSA and the Policy's supporting text should also be amended to correct the PBSA Housing Delivery Test measurement rule book ratio and promote the development of different kinds of PBSA across the city but note that this should be based on a site's individual circumstances.

Requested to attend examination?: Yes

Ref: C-25-06-H10

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H10: Purpose built student accommodation

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Morgan Real Estate support the continued acknowledgment by the Council, through draft Policy H10, that purpose built student accommodation will be supported in principle within the city centre.

However, it is considered that specific allocations should make specific mention of the potential to provide purpose built student accommodation. The response to draft Policy SBA2 explains this in further detail.

Purpose built student accommodation, particularly where part of mixed use schemes, can ensure the viability and deliverability of schemes in the city centre, and indeed can often 'unlock' key sites.

Modifications: Reference should be made to the specific response to draft Policy SBA2 in this respect.

Requested to attend examination?: Yes

Ref: C-29-06-H10

Representor: Nixon Homes Limited

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H10: Purpose built student accommodation

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: We support the confirmation in the plan that PBSA makes a contribution toward housing need, as set out at Paragraph 6.63, and further support that the majority of student housing will be considered communal housing which is equivalent to 1.8:1, as set out within the Housing Delivery Test Rulebook. However, the consideration that student accommodation provided as studio flats is considered to contribute at a ratio of 1:1 in accordance with Planning Practice Guidance is unjustified and ineffective in terms of implementation of the plan.

As set out above, the use of two contradictory calculation methods in the form of PPG and the Housing Delivery Test Rulebook is questioned, and we outline that the Housing Delivery test Rulebook should be the sole calculation tool to provide clarity and certainty to decisions. Currently, it is not clear how the different types of student accommodation, including communal and studio rooms, is assessed, and it is our view that the policy should maintain a consistent approach to provide a general consideration of PBSA as a whole. As such, we contend that the policy should therefore be updated to consider all forms of PBSA rooms at the ratio of 1.8:1 as set out at Paragraph 6.63.

As set out above in respect of Policy H6, at para 6.63 the supporting text to Policy H10 refers to the contribution that PBSA can make to meeting the housing requirement. Reference is made to the Housing Delivery Test Rulebook being the basis for the ratio applied, but the text specifically references the ratio of 1.8:1, which was the correct ratio at the date of the consultation being published, but this is now 2.4:1. As such, as with Policy H6, we suggest that reference is made to application of the relevant ratio at the point of sites being considered to ensure that the contribution a site makes to housing need is reflective of national guidance. The effect of this change on the draft Local Plan is that the contribution of sites considered for PBSA is reduced meaning that the capacity of allocated sites needs to be increased to meet the identified need.

Modifications: As outlined above, Policy H10 should be amended to make clear that all types of PBSA accommodation are considered to contribute to housing delivery as a whole, and that the methodology used to calculate this contribution is based solely upon the Housing Delivery Test Rulebook. The wording of paragraph 6.63 should be amended to the following:

[italic] "All forms of student accommodation will be regarded as communal housing and will contribute towards Exeter's housing requirement at the ratio set out within the Housing Delivery Test Rulebook." [italic]

This amendment will ensure the soundness of the plan as it will provide clear justification for the methodology for how the ratios are calculated and will be underpinned by the Housing Delivery Test Rulebook. This rulebook will

be amended and updated in line with national policy through the lifetime of the plan, ensuring the plan remains effective after adoption.

Requested to attend examination?: Yes

Ref: C-37-06-H10

Representor: Telereal Securitised Property GP Limited

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H10: Purpose built student accommodation

Paragraph: 6.63

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: [Land Use and flexibility on future residential product]

In addition to standard housing, the site is further considered to be well-located to potentially provide PBSA (or alternative residential products such as co-living), as has been considered by the Council as part of the HELAA.

Given the location in the city centre and close proximity to university campuses, the site is considered to be highly suitable for PBSA provision (in addition to or instead of traditional housing), meeting all relevant requirements of Draft Policy H10. Maintaining flexibility to respond to (changing) local needs and demands at the time when a planning application for the site is coming forward is extremely important for The Exeter Plan.

It is our interpretation that a potential redevelopment of the site for PBSA (or co-living) would similarly be in accordance with the provisions of Draft Policy (H1 and) H2 (insofar as it relates to draft housing allocations), as PBSA similarly contributes to the Councils housing supply (as set out in Para. 30 of the Greater Exeter: Student Housing Needs Assessment 2024 and under the provisions of draft [**paragraph 6.63**] of The Exeter Plan). This flexibility is strongly supported, as our client agrees that the provision of additional PBSA similarly has a direct (positive) effect on housing supply, freeing up conventional housing to other members of the community. Ensuring all relevant residential uses contribute to housing supply is therefore welcomed.

Modifications: -

Requested to attend examination?: Yes

Ref: C-40-06-H10

Representor: TT Group

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H10: Purpose built student accommodation

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: TT Group support the continued acknowledgment by the Council, through draft Policy H10, that purpose built student accommodation will be supported in principle within the city centre.

However, it is considered that specific allocations should make specific mention of the potential to provide purpose built student accommodation. Purpose built student accommodation, particularly where part of mixed use schemes, can ensure the viability and deliverability of schemes in the city centre, and indeed can often 'unlock' key sites.

Modifications: As highlighted in our response to draft Policy H2, it is considered that either West Gate should be reinstated or Exbridge House allocated in isolation. As part of the allocation, specific reference should be made to the potential to accommodate purpose built student accommodation on the site.

Requested to attend examination?: -

Ref: C-41-06-H10

Representor: University of Exeter

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H10: Purpose built student accommodation

Paragraph: 6.64

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University welcomes the addition of a specific policy relating to proposals for purpose-built student accommodation (PBSA) within the city and the amendments made to policy and supporting text, namely:

- a. Deleting criterion that sought to regulate the location of PBSA throughout the city (i.e. excessive concentration)
- b. Removing reference that all PBSA units should contain private en-suite bathrooms in all cases

The University is strongly supportive of the addition of paragraph 6.64 stating that the 2007 University Supplementary Planning Guidance and the 2010 University of Exeter Streatham Campus Masterplan Framework Supplementary Planning Document align with the Exeter Plan and remain as material planning considerations.

The University values these SPDs and continues to use its guiding principles and to implement remaining development and redevelopment opportunities that are identified within it, as time and resources allow. It therefore welcomes that reference to the Masterplan SPD is also made in the supporting text of draft policy H10, until superseded by an updated version of the document in due course.

Modifications: -

Requested to attend examination?: No

Ref: C-43-06-H10

Representor: Waddeton Park Limited

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H10: Purpose built student accommodation

Paragraph: 6.54 to 6.64

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: 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 some concern that the Plan appears to be heavily focussed on PBSA and its perceived role in supporting housing delivery in the City. In doing so it appears to demonstrate the Council's lack of understanding of the interrelationship between such accommodation and Exeter's existing housing market stock and local housing needs. As a result the Council appear to be over exaggerating the role PBSA should play in its contribution to housing supply.

The Council are incorrect to suggest that PBSA can directly contribute to housing supply as it requires assessment of the extent that such accommodation results in release in the wider housing market by allowing properties to return to general residential use. Having reviewed the Council's evidence base (Greater Exeter: Student Housing Needs Assessment, November 2024) there appears to be an assumption that the net migration of students is included within the Standard method and therefore accounted for in the LHN of 642 dpa.

However, we dispute this on the basis that the Households projection element of the Standard Method is based on data trends between the years 2009 to 2014 (see 'Household Projections 2014-based: Methodological Report' p.8). Therefore, student occupation of market housing has only been factored in for this period. Any increase in student occupation of market housing at a rate greater than that in 2009 to 2014 would not be accounted for.

The impact of student occupation on Exeter's market housing stock could be understood by reviewing Student Council Tax exemption data. However, this data has not been provided.

Beyond that there is no evidence that the growth in demand for student accommodation since then has been factored into the Standard Method and as a consequence for PBSA to count towards meeting the LHN the Council will still need to demonstrate (in accordance with the Practice Guidance) the actual release of market housing that is attributable to PBSA. It is important that this issue is scrutinised in order to not miss opportunity to provide sufficient housing to meet identified local needs.

With the current data available, it appears unlikely that market release has occurred. Annual student numbers growth is indicative of growth in student's occupying market dwellings. This data is provided in Figure 1 of the Greater Exeter: Student Housing Needs Assessment Report of Findings, November 2024'. In the period of 2009

to 2014 (which correlates with the data that feeds into the standard method) there was a cumulative increase of 2,583 students (431pa) who were not part time and did not live at home. In the period 2015 to 2022 there was a cumulative increase of 7,749 students (1,107pa) who were not part time and did not live at home.

This represents approximately a 257% increase in the number of students per annum since the baseline included in the standard method. Whilst this does not represent the number of students that have gone into market housing, it is such a significant increase in student presence in Exeter compared to the 2009 to 2014 period (where the data trends contributed to the standard method projections) that further investigation is required (for example, through a review of Student Council Tax exemptions, as indicated above).

Modifications: The role of PBSA within the housing market requires further clarification and research to justify the assumptions in respect of housing land supply.

Requested to attend examination?: Yes

Ref: D-06-06-H10

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H10: Purpose built student accommodation

Paragraph: 6.59

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: 7th bullet point: mis-formulation, 'and' is missing.

Modifications: It needs to read: 'The management of refuse facilities [Bold] and [Bold] deliveries; and'

Requested to attend examination?: No

Ref: D-11-06-H10

Representor: University of Exeter Students' Guild

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H10: Purpose built student accommodation

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: This submission is made on behalf of the University of Exeter Students' Guild, the representative body for the approximately 30,000 students studying at the university.

We want to begin by echoing the University in thanking the council for including this specific section on PBSA. These accommodations play a vital role in offering a diversity of housing options for students in Exeter and limiting the price inflation that comes from under supply. Similarly, we thank the council for addressing the university's concerns on the overregulation of PBSA location and the reference to all PBSA rooms needing to be ensuite (see the university comment above).

Overall, we think this commitment to PBSA is a very positive step in meeting the needs of students and expanding the benefits that the university brings to the city of Exeter. As a result, we are happy to accept this section generally and that it meets the definition of "sound". In this response, however, we wish to offer some additional comments from a student perspective that may be useful in any post-consultation redrafting or in the implementation of this plan. We are very keen to expand our engagement with local government and while we have answered "no" to being included in any hearings we are happy to be contacted at info@exeterguild.com.

Beginning on location and its impact on accessibility as outlined in 6.57, we applaud the council's commitment towards net zero and the efforts to locate PBSA in appropriate spaces. Many students choose PBSA specifically as they cater for their access needs better than HMOs and it is important they are located in areas that allow students to travel easily. As part of this it's very important to consider the impact of Exeter's hilly landscape and the position of the university at the top of the hill. This makes Exeter incredibly difficult to navigate for students with physical access needs, meaning even areas on paper close to campus can in reality be inaccessible. Mitigations to this could include actively encouraging PBSAs to provide blue badge parking rather than simply allowing it and ensuring new PBSA's align with access to reliable public transport. In addition, it's important to note that many students with physical access needs still lack blue badges and more could be done to support them in acquiring these or offering them parking options. This could at least be the case in PBSA owned by the university as they have their own processes for assessing access needs and this doesn't reduce parking options for other city residents.

Second, it is important to touch on affordability and we appreciate the council's acknowledgement in 6.61 of the significant challenges being placed on students. While the cost-of-living crisis has impacted everyone, students have been particularly affected given their reliance on a maintenance loan has fallen significantly in real terms over the last decade. The result is many students living in very poor conditions and working long hours in addition

to full time studies. As a result, 70% of Exeter students think about cost of living either daily or all the time (Survey Superheroes: Financial Health, Exeter Students Guild October 2024). This is important in the context of PBSAs as they are often significantly more expensive than other options. For example, in our December survey only around 11% of students in private PBSA reported paying £550 or less a month in rent vs 50% of students in other private housing (Survey Superheroes: Housing, Exeter Students Guild December 2024). We appreciate some of the council's efforts to address this and ensure a greater range of affordable PBSA. This includes allowing non-students to stay in PBSA outside of term time which is important to making these options financially sustainable. But beyond this it would be very valuable to see more concrete steps towards ensuring greater affordable PBSA options in Exeter. This is vital for students' quality of life and for ensuring Exeter University is accessible for all rather than just those from wealthy backgrounds.

Finally, we want to make a brief note on quality. Generally, PBSA is of better quality than other private housing options and we appreciate the council's quality assurance measures present in the planning approval stage. We do however believe more could be done to ensure this quality is maintained while PBSAs are operational. We still get many issues raised to us about mould, pests, lack of support from providers etc. even in expensive PBSAs. It would be extremely useful to collaborate more in addressing these issues and supporting students in accessing council support when PBSAs do not meet their obligations.

Thank you for taking the time to read this submission. We really do want to build our relationship with local government and would love to engage more in future. Please feel free to reach out on the above email with any questions or comments, we are also happy to share our data sources.

Modifications: -

Requested to attend examination?: No

Ref: F-01-06-H10

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H10: Purpose built student accommodation

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: Purpose-built student housing does not contribute to Exeter's housing land supply and therefore puts at risk Exeter's ambitions not to permit development on green field sites (tilted balance). In addition, PBSAs do not of themselves contribute to Exeter's economy with no council tax paid or business rates charged to the management companies. If this continues as it will unless there are legislative changes, then PBSAs must not be permitted to let their premises during university holiday periods through outlets such as Airbnb. This directly impacts the hospitality sector whose prices can be undercut as the hospitality sector has been adversely affected by cost of living pressures. Paragraph 5.46 of the plan should be amended accordingly. In addition, students occupying PBSAs should be required (unless disabled) not to bring cars into the city unless the university provides them with parking on campus.

Modifications: Amend paragraph 5.46 to read: The City Council will use Section 106 agreements to ensure that purpose-built student accommodation is solely occupied by students. Lettings to non-students during university holiday periods will not be permitted.

Policy H8d should be amended to read: are accompanied by a travel plan and travel packs which includes a form to be signed agreeing not to bring their car into the city as no private parking other than for people with disabilities is available.

Requested to attend examination?: Yes

Ref: G-29-06-H10

Representor: Robyn Connett

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H10: Purpose built student accommodation

Paragraph: 6.56 and 6.57

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: -

Comments: 6.56 The approach to supporting purpose built student accommodation in appropriate locations goes hand in hand with the City Council's planning policy on houses in multiple occupation (HMOs) and the associated Article 4 Direction. The Article 4 Direction restricts the ability to convert regular houses into HMOs, which are often occupied by students, and thereby seeks to encourage students to live in purpose built student accommodation. The restriction covers an area close to the University of Exeter's Streatham and St Luke's campuses and has recently been extended.

6.57 Given the City Council's net zero ambitions, purpose built student accommodation should be located where students' day-to-day needs can be met without using a private car and with good connections to the University campuses. Consideration will be given to the potential local impacts of development so that potential issues for amenity are avoided and addressed appropriately in the context of the importance of mixed communities.

The final sentence of 6.57 mentions the importance only of MIXED communities. The omission of the adjective 'balanced', used previously in Local Plan Policy H5b, is significant. The LPA has frequently cited the lack of definition for 'community balance' in its policies as the reason for being unable to refuse applications, yet the concept of a 'mixed' community is inadequate. Communities dominated by students (more than 50% of the population across the whole of St James for example), are mixed, but so severely imbalanced that their very sustainability is at stake.

The NPPF refers at 64b (the context of affordable housing is irrelevant to my argument) to an 'approach contributes to the objective of creating mixed and balanced communities.'

If the NPPF uses the term balanced communities, the LPA should have confidence to keep the term in its new Plan.

The locations being considered as appropriate are those which tend to be characterised already by over-concentrations of student HMOs, with the well-established (nationally and locally) negative effects of community imbalance which threatens the sustainability of a community. A major part of the rationale for PBSA is the claim that they will result in the return of HMOs to C3 family homes, thereby helping to rebalance impacted communities.

However, ECC's own evidence eg as presented in the consultation materials for the recent HMO SPD and Article 4 Direction Review, PBSA has not resulted in any such return of HMOs to C3. As a result, the community has become even more severely imbalanced as it matters not where students live – they all contribute to the local

population percentage of the 19 – 25yr demographic.
As the locations

Modifications: Insert 'and balanced' after 'mixed' at 6.57

Include a clause that PBSA will be permitted in A4D areas, if there is clear evidence of return of HMOs to C3.

Requested to attend examination?: Yes

Ref: A-01-06-H11

Representor: Devon County Council

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H11: Gypsy and Traveller accommodation

Paragraph: 6.65

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: It is the role of the Local Planning Authority to plan to meet the needs of Gypsy, Traveller, and Travelling Showpeople communities across Exeter. The county council has some concerns regarding the absence of allocated Gypsy and Traveller provision within the Plan, particularly when considering under delivery in previous plan cycles within Exeter.

Whilst it is understood that the Plan is being examined under transitional arrangements and therefore the December 2023 Version of the NPPF applies, it should be noted that the Gypsy and Traveller definition has been changed in the most recent version of the Government's Planning policy for traveller sites (PPTS) (12 December 2024) resulting in what has previously been defined as non-PPTS need now being included within the definition. This, in addition to provisions made within the new NPPF for the use of Greenbelt land for Gypsy and Traveller provision, demonstrates the direction of travel with regard to ensuring the delivery of Gypsy and Traveller provision in the future and the increased emphasis on the need for delivery of pitches.

Devon County Council has had discussions with TravellerSpace who will be responding to this consultation by way of technical challenge to the methodology used in the needs assessment. The county council is supportive of this challenge and recognises the importance of ensuring a robust assessment has been undertaken.

Paragraph 6.65 - This paragraph states that "Policy H11 aims to facilitate the provision of accommodation for Gypsies, Travellers and Travelling Showpeople..." but we would question the level of certainty provided in relying on windfall sites coming forward to provide this accommodation.

Modifications: Due to a lack of development sites coming forward, the Plan does not seek to allocate any sites for Gypsy and Traveller provision and instead will rely on these sites coming forward as windfall sites. The county council has concerns regarding the likelihood of windfall sites for this Gypsy and Traveller provision coming forward without allocation and encourages the city council to reassess whether there are any appropriate sites within the city or any proposed allocations which could include this provision. Should a site not be identified for allocation for the required pitches as identified through the assessment, we consider it unlikely that there will be any provision made within this plan cycle.

Requested to attend examination?: -

Ref: D-06-06-H11a

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H11: Gypsy and Traveller accommodation

Paragraph: 6.66

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Paragraph 6.66 says that no new permanent gypsy and traveller plots are required during the plan period, but in the monitoring chapter 17 for H11 it states that there is a target of six permanent pitches.

Modifications: Correct either paragraph 6.66 or H11 monitoring statement.

Requested to attend examination?: No

Ref: D-06-06-H11b

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H11: Gypsy and Traveller accommodation

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Points (f) and (g) are inconsistent. In delivering affordable housing in accordance with Policy H4 there is no requirement for the housing to be for gypsies and travellers only.

The draft plan has reference to the delivery of permanent Gypsy and Traveller pitches, but appears to omit any physical site allocations in the plans for the location of these.

Modifications: Delete point (g)

Indicate a physical site location for these.

Requested to attend examination?: No

Ref: D-10-06-H11

Representor: TravellerSpace

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H11: Gypsy and Traveller accommodation

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: No

Comments: Evidence base for Gypsy and Traveller sites is not robust and out of date due to issues within the GTAA and changes to PPTS. As such, Section 124 Housing and Planning Act 2016 has not been complied with. Furthermore, as Romany Gypsies and Irish Travellers are impacted by this failure, section 149 for the Equality Act 2010 is in play.

In addition to this, failure to allocate land contrary to national planning policy offends section 149 for the Equality Act 2010.

Introduction

This response has been drafted on behalf of TravellerSpace, a registered charity supporting Gypsies, Irish Travellers and New Travellers in Cornwall and the Devon.

TravellerSpace aims to:

- Break down barriers which prevent Gypsies and Travellers having equality of access to health, education and welfare services.
- Support Gypsies and Travellers in ensuring their voices are heard in decision and policy making processes.
- Provide support for Gypsies and Travellers in health, education and welfare matters.
- Provide play and creative opportunities for Gypsy & Traveller children and young people
- Support Gypsy & Traveller young people who have been excluded from school or who are disengaged with the learning process
- Develop and deliver training and workshops for schools, service providers, and other statutory and non-statutory agencies
- Contribute to seminars, conferences, research and training events to highlight the experiences of Gypsies and Travellers

- Enable Gypsies and Travellers to access volunteering and training opportunities.
- Have a voice locally regionally and nationally in forums which highlight the issues facing the Gypsy and Traveller communities, and work to bring about positive change.
- Inform and educate the wider community about issues which affect Gypsies and Travellers, and to
- Raise awareness of Gypsy and Traveller cultures and traditions.

The response deals solely with policy H11: Gypsy and Traveller accommodation, the Gypsy and Traveller Accommodation Assessment and the failure to allocate land for sites.

H11: Gypsy and Traveller accommodation

We have a number of concerns over the wording of criterion b, e, and g:

b. Safe and convenient vehicular, pedestrian and cycle access to local facilities are available or provided and proposals minimise impacts on the local highway network;

Planning Policy for Traveller Sites (PPTS) sets out specific sustainability considerations for Traveller sites at paragraph 11. At no point does PPTS require sites to be within walking or cycling distances of services.

e. The site is within the urban boundary and the proposal does not cause an unacceptable landscape or ecological impact and is not in an area at high risk of flooding;

PPTS does not require sites to be within the urban boundary, and this aspect of the policy should be deleted.

g. In the case permanent accommodation, it delivers affordable housing in accordance with Policy H4.

Again, PPTS does not require this and as such this should be deleted.

The supporting text states:

The Designing Gypsy And Traveller Sites Good Practice Guide (May 2008) (The Department for Communities and Local Government) provides a good benchmark for the design of new sites and should be considered alongside Policy H11.

It should be noted that this was withdrawn many years ago.

The Gypsy and Traveller Accommodation Assessment

First and foremost the changes to the definition of Gypsies and Travellers in PPTS at the end of 2024 have significant implications for the need figure. The definition now states:

1. For the purposes of this planning policy “gypsies and travellers” means:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or of living in a caravan, but excluding

members of an organised group of travelling showpeople or circus people travelling together as such. [emphasis added]

This means that the definition in effect covers all Romany Gypsies and Irish Travellers, whether they have ever travelled or not.

The first implication for the Exeter plan is that all the need for non PPTS and 'undetermined' will now need to be fully included. The second issue is that the GTAA is now out of date as it will have not properly sought out the needs of persons with a cultural tradition of nomadism or of living in a caravan.

This is particularly relevant as the GTAA in our view has failed to properly consider the needs of those in bricks and mortar. The GTAA records at 3.17:

The 2021 Census recorded 15 households that identified as either Gypsies or Irish Travellers who lived in a house or bungalow in Exeter and 10 living in a flat or maisonette.

and then at 3.18:

ORS apply a rigorous approach to making contact with bricks and mortar households as this is a common issue raised at Local Plan Examinations and Planning Appeals. Contacts were sought through a range of sources including...intelligence from the stakeholder interviews; information from housing registers; and other local knowledge from stakeholders

The GTAA then records:

6.4 Despite all of the efforts that were made it was not possible to identify any households living in bricks and mortar to interview.

This is of concern and means that the needs of G+T who are often forced into housing due to a lack of sites will not have been properly considered.

Another related concern is the lack of stakeholder engagement – it would appear that the Gypsy liaison officer and the Traveller education service at Devon County Council have not been consulted – this may have led to contact being possible with more Gypsies and Travellers. Furthermore, the research company in question have worked with TravellerSpace on the Cornish GTAA and it is surprising that they were not also consulted.

Finally, GTAA at 8.7 states:

Whilst the findings in this report are aggregated totals for the whole of Exeter due to data protection issues, the Council have more detailed data to enable potential Local Plan allocations to be made.

It is not clear what this means, the LPA are invited to clarify this issue.

The failure to allocate sites

Given that there is unmet need for sites, and this is likely to be an underestimate due to deficiencies in the GTAA and the changes to PPTS, it is surprising that the LPA have not sought to allocate land for sites. This fly's in the face of PPTS and in our view means that the plan is currently unsound on this issue. The LPA should at the very least demonstrate that it has considered its own land holdings, and has investigated all other sources of supply.

No evidence of discussion with neighbouring authorities on this issue

Modifications: A robust GTAA. Site allocations for Gypsies and Travellers

Requested to attend examination?: Yes

Ref: F-02-06-H11

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H11: Gypsy and Traveller accommodation

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: By only defining Gypsies and Traveller in terms of planning policy, the policy H11, and the supporting evidence [1], fails to recognise that Gypsies and Travellers often suffer disadvantage or discrimination and have protected characteristics i.e. race, as set out under the Equality Act 2010 [2]. Gypsy, Roma and some Traveller people are protected against discrimination under the Equality Act 2010. Romany Gypsies, Scottish Gypsy/Travellers and Irish Travellers have all been declared by the courts to be protected as “races” under the Equality Act 2010. Additionally, under the same provisions the plan fails to recognise the Roma community and their specific needs.

Public Sector Equality Duty: The policy says (emphasis mine):

“Development proposals for Gypsy and Traveller pitches or plots for Travelling Showpeople will be supported when:

...

[bold] There is no unacceptable harm to the amenity of neighbouring residents; [bold] ...”

This compares unfavourably and is not consistent with other policies such as that for students in PBSA, which has an alternative clause:

“H10 Are in single ownership and control and professionally managed in accordance with a Management Plan;...”

The Council must consider its Public Sector Equality duty [3] to

- eliminate unlawful discrimination, harassment, victimisation and any other unlawful conduct prohibited by the act
- advance equality of opportunity between people who share and people who do not share a relevant protected characteristic
- foster good relations between people who share and people who do not share a relevant protected characteristic

The Equality Act prohibits direct and indirect discrimination, which could be the result of this policy. In particular indirect discrimination can arise where a policy or practice which seems neutral actually puts a person with a protected characteristic at a particular disadvantage.

The Council also has a duty: [italic] “Advancing equality of opportunity” [italic] means having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by people due to their relevant protected characteristics
- take steps to meet the different needs of people who share a relevant protected characteristic
- encourage participation in public life or any other activity by underrepresented groups
- take steps to meet the different needs of disabled persons

The policy or supporting evidence in the assessment provides no evidence that Gypsies, Roma and Travellers themselves or such site or pitches might result in “unacceptable harm” to the neighbourhood.

The policy also fails to set out how it will affect people with different protected characteristics (i.e. race) compared to others in the population. The policy H11 is therefore detrimental to people with one protected characteristic more than it would be to others.

The policy requires public bodies to monitor the actual impact of the policy so the provision of sites and pitch and its management plan should be monitored to ensure that it is meeting needs in the community.

The Policy preamble says, “assessment indicates a need for five permanent pitches.” The Policy itself sets out when sites will be supported. However, the policy provides no evidence it will be deliverable or effective and is inconsistent with other policies set out in the plan because:

The evidence [4] and preamble says there is a no need for a site, but 5 pitches are identified as a need (so one site in effect), but the policy expects that a site will be provided through the market - this policy approach has failed over the last plan period with no sites being delivered. This results in Gypsy, Roma & Travellers sites being set up on private land such as car parks, the Public Highway, or in parks - and the Council then spends money on evictions and barriers. These situations undermine community cohesion. This situation is reflected in the stakeholder view in the Assessment report: [italic] “Existing provision does not appear to be sufficient, taking unauthorised encampments into consideration.” [italic] [P25]

The policies set out an obligation to meet the needs of Gypsies, Roma and Travellers Policy H4 preamble identifies “The City Council may accept the provision of affordable serviced plots for custom and self-build homes, supported homes, homes for older people and accommodation for [bold] Gypsies and Travellers as contributing towards the affordable housing requirement,[bold] provided that these homes comply with the definition of affordable housing in the National Planning Policy Framework and the requirements of this policy;”

and then goes on in 6.1 to say

[italic] “6.1 The Exeter Plan helps to address the shortage of affordable homes in the city and provide the good quality accommodation we all need..... [bold] Gypsies and Travellers all have specific housing needs which we need to meet.” [bold] [italic]

However, the policy H11 fails to demonstrate how these needs will be met as a site is not allocated and the LPA has not sought to identify any sites. Moreover, the policy fails to demonstrate how the affordable housing needs of Gypsy, Roma & Travellers set out in policy H4 [italic] “prioritises the delivery of homes for social rent above affordable rent,” [italic] Therefore the Council should be identifying and through the policies in the plan ensuring provision of affordable site for 100% affordable rent. This site could be managed by the Council itself or by an affordable housing provider (as others are in the South West) in order to ensure the delivery of pitches and that they are affordable.

[Footnotes]

[1] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733849989/projects/66e1bd7c5ec13e2bc2471edb/media-upload/2024%20Exeter%20Gypsy%20and%20Traveller%20Accommodation%20Assessment.pdf/dtfd5tolizi48vjlvdao.pdf>]

[2] [Embedded link: <https://publications.parliament.uk/pa/cm201719/cmselect/cmwomeq/360/report-files/36011.htm#footnote-074>]

[3] [Embedded link: <https://www.gov.uk/government/publications/public-sector-equality-duty-guidance-for-public-authorities/public-sector-equality-duty-guidance-for-public-authorities#how-to-comply-with-the-specific-duties>]

[4] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733849989/projects/66e1bd7c5ec13e2bc2471edb/media-upload/2024%20Exeter%20Gypsy%20and%20Traveller%20Accommodation%20Assessment.pdf/dtfd5tolizi48vjlvdao.pdf>]

Modifications: The recognition of Roma community in relevant policies (H11) and preamble, to provide recognition in line with the Equality Act

To remove discrimination and advance equality of opportunity, remove reference to

[italic] "Do not result in unacceptable harm to the amenity of neighbouring residents" [italic]

replace with:

[italic] "Are in single ownership and control and professionally managed in accordance with a Management Plan." [italic]

removed reference to 'cultural' in H1f as this is not defined and does not recognise the protected characteristics of race and the planning definition covers race and culture:

H1f "Occupation is limited to households that meet the Government's published definition of Gypsies and Travellers or Travelling Showpeople, [Strikethrough] or who are cultural Gypsies and Travellers or Travelling Showpeople; [Strikethrough] and"

To monitor impact of the policy in line with the Equality Duty, Include in the monitoring section an Indicator, Target and Delivery Mechanisms in relation to H11

In line with planning policy guidance [5] to add to the policy H11, introduction:

[italic] "The Council will identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally identified need." [italic]

[bold] Note there is a missing word in g [bold]

g. In the case [bold] of [bold] permanent accommodation, it delivers affordable housing in accordance with Policy H4.

Footnotes

[5] [Embedded link: <https://www.gov.uk/government/publications/planning-policy-for-traveller-sites/planning-policy-for-traveller-sites>]

Requested to attend examination?: Yes

Ref: B-02-06-H12

Representor: Environment Agency

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H12: Residential conversions and houses in multiple occupation

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: We would reiterate our previous comments about HMOs and the impact on the combined sewer network; We would urge that this policy H12 includes 'no net increase in discharge to any sewer/drain/watercourse' (or at the least a reference to developers having to consider the foul flows and minimise the impact through attenuation of the surface water on site where they both go to a combined sewer through soakaways, water butts, grey water recycling/rwh etc). HMOs have the potential to have a huge increase in flows to the sewer and thus cause CSOs if this isn't included.

Modifications: We would urge that this policy H12 includes 'no net increase in discharge to any sewer/drain/watercourse' (or at the least a reference to developers having to consider the foul flows and minimise the impact through attenuation of the surface water on site where they both go to a combined sewer through soakaways, water butts, grey water recycling/rwh etc).

Requested to attend examination?: -

Ref: D-06-06-H13

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H13: Loss of residential accommodation

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: 6.74 suggests 'that existing home are retained in most cases', which makes sense. The wording of H13 does imply 'in any case', which ECS thinks is too blunt. Therefore we suggest a rewording of H13.

Modifications: H13 should read: 'Development proposals which result in net loss of residential units will not be permitted except in exceptional circumstances.'

Requested to attend examination?: No

Ref: C-03-06-H14

Representor: Anne Codner

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H14: Accessible homes

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Whilst we support the inclusion of a Policy relating to the need for accessible dwellings to meet need, we object to the draft Policy as currently worded as its requirements are not justified by evidence.

The Written Ministerial Statement of 25 March 2015, national Planning Practice Guidance (as at time of writing) and the National Planning Policy Framework (December 2024) are clear that optional standards, including adaptable and accessible dwellings, should make use of the Government's optional technical standards [italic] "where this would address an identified need for such properties". [italic] The test of "need" sets a high bar, which extends beyond the Council simply considering an increase to be desirable.

The Local Housing Needs Assessment (LHNA) (December 2024) contains an assessment of the potential need for adaptable and accessible dwellings. The evidence of need contained in Section 7 does not justify the draft Policy's requirement for all market and affordable to be to at least M4(2) and 10% of affordable to be M4(3).

Modifications: To reiterate the above, any policy requirements must be justified by evidence.

In addition to the above, the draft Policy should also include recognition that notwithstanding targets, the application of this draft Policy can and must take account of site specific circumstances such as topography and the impact of installing lifts within apartment blocks. I.e. there may be circumstances where it is impractical, undesirable or impossible to meet target requirements, but that this should not render the development unacceptable.

In light of the comments above, we do not propose any specific rewording and urge the Council to revisit the evidence behind this proposed draft Policy.

Requested to attend examination?: Yes

Ref: C-15-06-H14

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H14: Accessible homes

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Edenstone support the inclusion of a Policy relating to the need for accessible dwellings to meet need, however, they object to the draft Policy as currently worded as its requirements are not justified by evidence.

The Written Ministerial Statement of 25 March 2015, national Planning Practice Guidance (as at time of writing) and the National Planning Policy Framework (December 2024) are clear that optional standards, including adaptable and accessible dwellings, should make use of the Government's optional technical standards "where this would address an identified need for such properties". The test of "need" sets a high bar, which extends beyond the Council simply considering an increase to be desirable.

The Local Housing Needs Assessment (LHNA) (December 2024) contains an assessment of the potential need for adaptable and accessible dwellings. The evidence of need contained in Section 7 does not justify the draft Policy's requirement for all market and affordable to be to at least M4(2) and 10% of affordable to be M4(3). To reiterate the above, any policy requirements must be justified by evidence.

Modifications: [...] To reiterate the above, any policy requirements must be justified by evidence.

In addition to the above, the draft Policy should also include recognition that notwithstanding targets, the application of this draft Policy can and must take account of site specific circumstances such as topography and the impact of installing lifts within apartment blocks. I.e. there may be circumstances where it is impractical, undesirable or impossible to meet target requirements, but that this should not render the development unacceptable.

In light of the comments above, Edenstone do not propose any specific rewording and urge the Council to revisit the evidence behind this proposed draft Policy.

Requested to attend examination?: Yes

Ref: C-25-06-H14

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H14: Accessible homes

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Morgan Real Estate support the inclusion of a Policy relating to the need for accessible dwellings to meet need, however, they object to the draft Policy as currently worded as its requirements are not justified by evidence.

The Written Ministerial Statement of 25 March 2015, national Planning Practice Guidance (as at time of writing) and the National Planning Policy Framework (December 2024) are clear that optional standards, including adaptable and accessible dwellings, should make use of the Government's optional technical standards "where this would address an identified need for such properties". The test of "need" sets a high bar, which extends beyond the Council simply considering an increase to be desirable.

The Local Housing Needs Assessment (LHNA) (December 2024) contains an assessment of the potential need for adaptable and accessible dwellings. The evidence of need contained in Section 7 does not justify the draft Policy's requirement for all market and affordable to be to at least M4(2) and 10% of affordable to be M4(3). To reiterate the above, any policy requirements must be justified by evidence.

In addition to the above, the draft Policy should also include recognition that notwithstanding targets, the application of this draft Policy can and must take account of site specific circumstances such as topography and the impact of installing lifts within apartment blocks. I.e. there may be circumstances where it is impractical, undesirable or impossible to meet target requirements, but that this should not render the development unacceptable.

Modifications: In light of the comments above, Morgan Real Estate do not propose any specific rewording and urge the Council to revisit the evidence behind this proposed draft Policy.

Requested to attend examination?: Yes

Ref: C-32-06-H14

Representor: South West Housing Association Planning Consortium

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H14: Accessible homes

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Draft Policy H14 requires that all market and affordable homes will be built to meet accessible and adaptable standards (Building Regulations M4(2)). We accept that there is a growing need for properties which comply with current Building Regulations and so we support this policy direction, although we reiterate to the Council that the increased delivery of such properties may affect viability and overall affordable housing delivery in Exeter.

Draft Policy H14 also adds at part (b) that new homes will be supported where 10% of the affordable homes are built to meet wheelchair user standards (Building Regulations M4(3)). However, supporting text in paragraph 6.78 states that:

[italic] "The City Council will advise developers of any specific M4(3) requirements as early as possible in the planning application process, based on needs at the time and bearing in mind that wheelchair accessible standards can only be required where the City Council is responsible for allocating or nominating a person to live in that home." *[italic]*

This comment appears to conflict with part (b) of draft Policy H14. It is not clear if this comment in paragraph 6.78 is referring to the need for the overall proportion of M4(3) dwellings or possibly a more detailed breakdown of M4(3)(2)(a) and M4(3)(2)(b) dwellings.

The SWHAPC agrees that such requirements should be based on actual need rather than a blanket 10% requirement taking into account viability and feasibility considerations.

Modifications: [...] The SWHAPC agrees that such requirements should be based on actual need rather than a blanket 10% requirement taking into account viability and feasibility considerations.

The Council should be aware that M4(2)/M4(3) requirements are challenging to achieve in terms of level access on sites where there are topography issues, so planning policy should acknowledge this as it will not always be possible to achieve this on sites. There may also be viability considerations around the provision of lifts which may also make the provision of level access challenging to achieve and this should be considered when setting requirements.

Requested to attend examination?: -

Ref: C-40-06-H14

Representor: TT Group

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H14: Accessible homes

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: TT Group support the inclusion of a Policy relating to the need for accessible dwellings to meet need, however, they object to the draft Policy as currently worded as its requirements are not justified by evidence.

The Written Ministerial Statement of 25 March 2015, national Planning Practice Guidance (as at time of writing) and the National Planning Policy Framework (December 2024) are clear that optional standards, including adaptable and accessible dwellings, should make use of the Government's optional technical standards "where this would address an identified need for such properties". The test of "need" sets a high bar, which extends beyond the Council simply considering an increase to be desirable.

The Local Housing Needs Assessment (LHNA) (December 2024) contains an assessment of the potential need for adaptable and accessible dwellings. The evidence of need contained in Section 7 does not justify the draft Policy's requirement for all market and affordable to be to at least M4(2) and 10% of affordable to be M4(3).

Modifications: To reiterate the above, any policy requirements must be justified by evidence.

In addition to the above, the draft Policy should also include recognition that notwithstanding targets, the application of this draft Policy can and must take account of site specific circumstances such as topography and the impact of installing lifts within apartment blocks. I.e. there may be circumstances where it is impractical, undesirable or impossible to meet target requirements, but that this should not render the development unacceptable.

In light of the comments above, TT Group do not propose any specific rewording and urge the Council to revisit the evidence behind this proposed draft Policy.

Requested to attend examination?: -

Ref: D-06-06-H14

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H14: Accessible homes

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: When under b) it is said '10% of the affordable homes are built to meet wheelchair user standards' this reads as a target and not a minimum requirement. ECS suggests to go back to the formulation in the previous version and define this as a minimum requirement again.

Modifications: Change b) into: 'At least 10% of the affordable homes are built to meet wheelchair user standards [...]'.
[...].

Requested to attend examination?: No

Ref: D-07-06-H14

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H14: Accessible homes

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: H14: Accessible Homes

Policy H14 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

This policy states that new homes will be supported when the market homes are built to meet accessible and adaptable standards (M4(2)) and 10% of the affordable homes are built to meet wheelchair user standards (M4(3)), with the remainder built to meet accessible and adaptable standards (M4(2)).

The HBF considers that the policy needs to be clearer in how it differentiates between Part a) and part b) of M4(3) technical standards. The correct part of M4(3) should be referred to. M4(3)a sets out standards for wheelchair adaptable housing, where M4(3)b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. The Council will then need to ensure that the appropriate costs are factored into the whole plan viability assessment as both M4(3)a and M4(3)b impact on viability, with M4(3)b being considerably more expensive.

The HBF notes that the justification text at paragraph 6.79 states that 'the City Council will only accept a departure from the requirements of Policy H14 where it is satisfied that they are not feasible or viable'. The HBF considers that flexibility should be included in the policy to reflect this and to allow for a departure where there are issues of feasibility or viability. This would also better reflect the PPG[20] which states that Local Plan policies should also take into account site specific factors such as vulnerability to flooding, site topography and other circumstances which may make a specific site less suitable for M4(2) and M4(3) compliant dwellings, particularly where step free access cannot be achieved or is not viable.

The HBF notes that the requirements to meet Part M4(2) are likely to be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. There is therefore no need for a policy on this issue within the Exeter Local Plan.

[20] PPG ID: 56-008-20160519

Modifications: The HBF considers that the policy needs to be clearer in how it differentiates between Part a) and part b) of M4(3) technical standards. The correct part of M4(3) should be referred to. M4(3)a sets out standards for wheelchair adaptable housing, where M4(3)b relates to wheelchair accessible housing which can only be required on affordable housing where the Council has nomination rights. [...]

The HBF notes that the justification text at paragraph 6.79 states that 'the City Council will only accept a departure from the requirements of Policy H14 where it is satisfied that they are not feasible or viable'. The HBF considers that flexibility should be included in the policy to reflect this and to allow for a departure where there are issues of feasibility or viability. [...]

The HBF notes that the requirements to meet Part M4(2) are likely to be superseded by changes to residential Building Regulations. The Government response to 'Raising accessibility standards for new homes' states that the Government proposes to mandate the current M4(2) requirement in Building Regulations as a minimum for all new homes, with M4(1) applying in exceptional circumstances. This will be subject to a further consultation on the technical details and will be implemented in due course through the Building Regulations. There is therefore no need for a policy on this issue within the Exeter Local Plan.

Requested to attend examination?: Yes

Ref: B-03-06-H15

Representor: Historic England

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H15: Housing density and size mix (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Historic England supports the aspiration of Exeter City Council to optimise housing densities while respecting its heritage. We therefore welcome the reference in the supporting text to this policy to both the city's heritage and to the Views, Density and Heights study, in which the Stage 1 report provides rich evidence about the city skyline and the significance of key views. We consider that Policy H15 should respond to this evidence as well as to evidence in the HIA (e.g. site refs 72 and 75), to ensure that the Plan contains a robust policy framework that is justified and consistent with national policy.

Modifications: This issue could be resolved by amending part b of the policy as follows:

"b. Local context, [underline] including important strategic and local views according to their contribution to the significance of heritage assets, landscape/townscape value and visual amenity;" [underline]

Requested to attend examination?: -

Ref: D-07-06-H15

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H15: Housing density and size mix (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: H15: Housing density and size mix (strategic policy)

Policy H15 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

This policy states that development proposals for new homes will optimise density and incorporate a mix of housing sizes, the policy suggests that this should take into account local need as evidenced by the latest Local Housing Needs Assessment; local context; the tenure mix of the development; and the mix of housing sizes in the locality.

The setting of residential density standards should be undertaken in accordance with the NPPF[21] where policies should be set to optimise the use of land. The NPPF suggests that plan policies should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. The HBF notes that the policy currently doesn't include indicative densities for Exeter and instead the justification text refers to the Exeter Density Study 2021 and the Exeter Views, Density and Heights Study 2024, which indicates the densities that the City Council will expect new housing developments to achieve. As these documents are not being tested at the examination and are not part of the policy, the HBF considers that this is not in line with the NPPF requirements. The Density Study makes recommendations, it recommends a minimum density of: 150 dwellings per hectare (dph) within the city centre; 120dph within 400m of Exeter St Davids Station; 100dph within 800m of Sowton rail station; 80-120dph within existing local centres; 120dph within the Marsh Barton area; 80dph for development close to the Exe cycle route; 60dph for developments close to other strategic cycle and walking routes and 50dph for other areas.

The HBF would recommend that the Council includes the indicative densities within the Plan policy and that the Council ensures appropriate flexibility is provided by this policy to allow developers to take account of the evidence in relation to site specific conditions, market aspirations, deliverability, viability and accessibility.

The HBF would request that the Council ensures that any densities proposed are realistic deliverable and viable. The HBF notes the interaction between policies on housing size and type and density. Therefore, the Council will also need to consider its approach to density in relation to other policies in the plan. Policies such as open space provision, SuDs, tree provision, biodiversity net gain, cycle and bin storage, housing mix, residential space standards, accessible and adaptable dwellings, energy efficiency and parking provision will all impact upon the density which can be delivered upon a site.

As the strategy is heavily focused on brownfield sites, it must be noted that the deliverability of high-density residential development in the City will be dependent upon the viability of brownfield sites and the demand for high density city centre living post Covid-19. It is important that delivery of the housing requirement does not rely overly ambitious intensification of dwellings, and policy enables for the range of housing types and tenures to be provided to meet the range of need and demand in Exeter. This may include the need for greenfield sites.

[21] NPPF December 2023 paragraph 129 / NPPF December 2024 paragraph 130

Modifications: The HBF would recommend that the Council includes the indicative densities [which are included in evidence base documents] within the Plan policy and that the Council ensures appropriate flexibility is provided by this policy to allow developers to take account of the evidence in relation to site specific conditions, market aspirations, deliverability, viability and accessibility.

Requested to attend examination?: Yes

Ref: C-15-06-H16

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H16: Residential amenity and healthy homes

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As noted in relation to some of the other policies of this Plan, Edenstone support the general principle of what this policy is seeking to achieve, however, it is far too unspecific to function effectively as a development management tool.

Notwithstanding the above, the draft Policy also seeks to apply Nationally Described Space Standards (NDSS). The NPPF (footnote 51) makes it clear that these should only be applied, “where the need for an internal space standard can be justified”. There is currently no such evidence available, therefore this requirement is unjustified.

Modifications: This draft Policy should be removed in full to ensure soundness.

Requested to attend examination?: Yes

Ref: C-25-06-H16

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H16: Residential amenity and healthy homes

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As noted in relation to some of the other policies of this Plan, Morgan Real Estate support the general principle of what this policy is seeking to achieve, however, it is far too unspecific to function effectively as a development management tool.

Notwithstanding the above, the draft Policy also seeks to apply Nationally Described Space Standards (NDSS). The NPPF (footnote 51) makes it clear that these should only be applied, “where the need for an internal space standard can be justified”. There is currently no such evidence available, therefore this requirement is unjustified.

Modifications: This draft Policy should be removed in full to ensure soundness.

Requested to attend examination?: Yes

Ref: C-32-06-H16

Representor: South West Housing Association Planning Consortium

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H16: Residential amenity and healthy homes

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Draft Policy H16 states that all new residential dwellings will be expected to comply with National Described Space Standards (NDSS). We have not been able to locate an emerging Local Plan evidence base in relation to NDSS for draft Policy H16. As such, in its current form and considering the evidence available, draft Policy H16 does not clearly justify the need to apply NDSS across all residential development in the authority. The PPG is clear that the Council needs to fully evidence need, viability and timing of applying NDSS:

[italic] "Where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- [bold] need [bold] – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- [bold] viability [bold] – the impact of adopting the space standard should be considered as part of a plan's viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- [bold] timing [bold] – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions." [italic]

(Paragraph: 020 Reference ID: 56-020-20150327)

Without the appropriate evidence, a blanket application of NDSS might undermine the viability of development schemes and through viability testing of application proposals, could result in fewer affordable homes being delivered across Exeter.

Modifications: -

Requested to attend examination?: -

Ref: C-40-06-H16

Representor: TT Group

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H16: Residential amenity and healthy homes

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As noted in relation to some of the other policies of this Plan, TT Group support the general principle of what this policy is seeking to achieve, however, it is far too unspecific to function effectively as a development management tool. Notwithstanding the above, the draft Policy also seeks to apply Nationally Described Space Standards (NDSS). The NPPF (footnote 51) makes it clear that these should only be applied, “where the need for an internal space standard can be justified”. There is currently no such evidence available, therefore this requirement is unjustified.

Modifications: This draft Policy should be removed in full to ensure soundness.

Requested to attend examination?: -

Ref: D-07-06-H16

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 06 - Homes

Policy: H16: Residential amenity and healthy homes

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: H16: Residential amenity and healthy homes

Policy H16 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

This policy states that new homes must provide sufficient functional internal layout and living space, including compliance with nationally described space standards; sufficient amenity space; space to store household items; and be future proofed for changes in lifestyle and use.

The HBF does not support the introduction of the optional Nationally Described Space Standards (NDSS) through policies in individual Local Plans. If the Council wanted to do this, they will need robust justifiable evidence to introduce the NDSS, as any policy which seeks to apply the NDSS to all dwellings should only be done in accordance with the NPPF[22], which states that “policies may also make use of the NDSS, where the need for an internal space standard can be justified”.

The NPPF requires that all policies should be underpinned by relevant and up to date evidence, which should be adequate, proportionate and focussed tightly on supporting and justifying the policies concerned. The PPG (ID: 56-020-20150327) identifies the type of evidence required to introduce such a policy. It states that ‘where a need for internal space standards is identified, local planning authorities should provide justification for requiring internal space policies. Local planning authorities should take account of the following areas:

- **Need** – evidence should be provided on the size and type of dwellings currently being built in the area, to ensure the impacts of adopting space standards can be properly assessed, for example, to consider any potential impact on meeting demand for starter homes.
- **Viability** – the impact of adopting the space standard should be considered as part of a plan’s viability assessment with account taken of the impact of potentially larger dwellings on land supply. Local planning authorities will also need to consider impacts on affordability where a space standard is to be adopted.
- **Timing** – there may need to be a reasonable transitional period following adoption of a new policy on space standards to enable developers to factor the cost of space standards into future land acquisitions’.

HBF also remind the Council that there is a direct relationship between unit size, cost per square metre (sqm), selling price per sqm and affordability. The Council’s policy approach should recognise that customers have different budgets and aspirations. An inflexible policy approach to NDSS for all new dwellings will impact on affordability and effect customer choice. Well-designed dwellings below NDSS can provide a good, functional

home. Smaller dwellings play a valuable role in meeting specific needs for both open market and affordable home ownership housing.

An inflexible policy approach imposing NDSS on all housing removes the most affordable homes and denies lower income households from being able to afford homeownership. The introduction of the NDSS for all dwellings may mean customers purchasing larger homes in floorspace but with bedrooms less suited to their housing needs with the unintended consequences of potentially increasing overcrowding and reducing the quality of their living environment. The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS.

The HBF considers that if the Government had expected all properties to be built to NDSS that they would have made these standards mandatory not optional.

If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

[22] NPPF December 2023 footnote 52 / NPPF December 2024 footnote 51

Modifications: The HBF does not support the introduction of the optional Nationally Described Space Standards (NDSS) through policies in individual Local Plans. [...]

[...] The Council should focus on good design and usable space to ensure that dwellings are fit for purpose rather than focusing on NDSS. [...]

If the proposed requirement for NDSS is carried forward, then the Council should put forward proposals for transitional arrangements. The land deals underpinning residential sites may have been secured prior to any proposed introduction of the NDSS. These sites should be allowed to move through the planning system before any proposed policy requirements are enforced. The NDSS should not be applied to any reserved matters applications or any outline or detailed approval prior to a specified date.

Requested to attend examination?: Yes

Ref: A-02-07-X

Representor: East Devon District Council

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: -

Paragraph: Paragraph 7.3 onward and associated policies

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Employment Land Provision

East Devon District Council object to chapter 7, Economy and Jobs, of the Exeter local plan as it fails to allocate or otherwise make sufficient land available to accommodate future employment needs of the city. The City Council should respond to the evidence set out in the Greater Exeter Economic Development Needs Assessment - Microsoft Word - Greater Exeter EDNA HJA Final Report v2.1.docx (on the City Council website) and plan to meet quantified employment land needs, in the city, as set out in Appendix 2 of this report - a mid-point on the Clean Growth need scenario being an appropriate level to plan for.

From assessment of available data, noting full quantified data on all sources of supply is not specifically summarised, the Exeter Plan falls (appears to fall) a significant way short of meeting city needs. The proposed regeneration opportunity area also has significant potential to lead to a net loss of employment spaces in this part of the city. Whilst noting that the plan does reference a collective across local authority balance (in the Exeter Functional Economic Market Area) between employment land need and supply it is not considered that such an approach to need/provision is an appropriate means to plan for defined city generated needs.

The approach adopted by the City Council, in not planning to meet city needs, generates the following failings:

- a) The plan will not be meeting the needs of the city.
- b) Lack of provision will undermine the economic growth potential of the city and the stimulus it provides for the wider area. Failure to provide undermines future economic success.
- c) Failure to make sufficient provision will lead to pressure to accommodate city generated growth to locations outside of the city boundary. Amongst other matters this will lead to greater outward commuting and pressure on transport infrastructure.

The City Council's approach appears to rely on employment land provision outside of the city boundary but within the wider Functional Economic Market Area in order to meet the economic needs of the area. However, no request has been made under the duty to co-operate for East Devon District Council to assist in meeting the employment land needs identified by the EDNA. The land identified in the emerging East Devon Local Plan 2020 – 2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.

Modifications: To overcome and address the concerns raised by East Devon District Council the Exeter Plan should explicitly quantify, citing appropriate evidence, city employment land needs and also all sources of supply, specifically including land allocations in the plan. Any shortfalls in land provision arising between this supply and need assessment should be addressed through additional provision, specifically land allocations for development, in the Exeter plan. This would draw the plan into alignment with tests set out in national planning policy.

To achieve the outcome the city council may need to identify additional land to allocate, review or amend allocations of land for other uses or in other ways adjust plan policy. It is appreciated that this may involve some challenging decisions, for example in respect of building on green fields sites. It is noted, however, that there are not the national landscape designations in the city that fall on land outside of city boundaries.

Requested to attend examination?: Yes

Ref: A-03-07-X

Representor: Mid Devon District Council

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: -

Paragraph: 7.3 to 7.6

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: We support the inclusion of the Economic Development Needs section in the plan, and its paragraphs 7.3 to 7.6 which recognise the wider Functional Economic Market Area consisting Exeter, East Devon, Mid Devon and Teignbridge, and commitment to continuing to work together to ensure the continued economic success of the wider area. This supports the soundness of this part of the plan as being positively prepared.

Modifications: -

Requested to attend examination?: No

Ref: C-17-07-X

Representor: Exeter and Devon Airport Ltd

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: No

Comments: [Regarding soundness:]

The NPPF provides (paragraph 86) that planning policies should, “set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period.” It also states (paragraph 20) that strategic policies should make sufficient provision for employment. This should look ahead over at least 15 years (paragraph 22), and ensure that sufficient land is brought forward at a sufficient rate to address objectively assessed needs over the plan period.

The Regulation 19 Plan notes (paragraph 7.3) the role of Exeter as part of a wider FEMA also including East Devon, Mid Devon and Teignbridge. The Economic Development Needs Assessment (EDNA) is referenced and it is noted (paragraph 7.4) that there is insufficient employment land currently available in Greater Exeter to meet the forecast demand and more sites need to be allocated in order to meet that demand.

The emerging Plan states that the available employment land supply of sites across the FEMA amounts to 229 ha of which 227 ha is rated “Green” or “Amber”. “Amber” sites have barriers to delivery, and only “Green” sites are considered likely to be delivered. The EDNA states that only 162 ha of land is rated as “Green” and notes (paragraph 7.3.3) that, “Exeter and Mid Devon have an under-supply of employment land, particularly when only Green RAG rating sites are considered.” The 162 ha of deliverable land in the EDNA should be understood against a forecast mid-point demand for up to 284 ha of employment land in the FEMA as identified in the EDNA and referred to in the emerging Plan, so a shortfall of 122 ha. The EDNA identifies a mid range estimate of industrial requirement in Exeter for the period 2020 – 2040 of some 50 ha.

The Regulation 19 Plan also (paragraph 7.6) confirms the commitment of Exeter and the partner authorities to work together to address any shortfall in employment land. It does not quantify what this shortfall might be, or provide further guidance as to how, when and where it will be made good.

In summary, then, national policy requires employment requirements to be identified and met. There is an outstanding requirement both FEMA wide and within Exeter that needs to be met. The shortfall of deliverable sites for employment land FEMA wide is 122 ha, and the requirement for industrial land in Exeter is 50 ha. This needs to be tackled by the emerging Plan, but the Regulation 19 document is fundamentally lacking in this regard.

There is no basic strategic policy setting out the requirement and how it will be met. For example, there is no employment equivalent to housing policies H1 (requirement) and H2 (allocations).

The Plan places emphasis on the knowledge economy and “transformational sectors” through its text and in the provisions of Policy EJ1 and Policy EJ6. However, appropriate support and provision is not then offered to all other sectors in the remaining (greater part) of the economy. The other policies in Chapter 7 deal with the retention of employment land, new types of working, skills and provision of local services, but nothing that deals with the requirements of other sectors.

This exclusion must be addressed. From the perspective of Exeter and Devon Airport Ltd as a major sub-regional employer and provider of crucial services and infrastructure particular areas of interest include (for example) engineering, logistics, tourism and business; none of this is provided for in the emerging Plan. Other sectors, ranging from (for example) construction to manufacturing and financial services, are similarly ignored. A focus on “transformational sectors” must not be to the exclusion of all else.

The City’s economy relies on very much more than such sectors. The Plan must recognise this and in the first instance acknowledge through strategic policy (EJ1) that existing and traditional sectors will be supported alongside those highlighted as having a role in the knowledge economy. The Plan must then go on to identify the requirements of these other sectors, the need for additional land, and plan for this accordingly.

Land to meet requirements for “transformational” employment is allocated by Policy EJ6. However, Policy EJ6 does not then go on to provide for the land that will be required to meet needs for the rest of (i.e., the considerable majority of) the economy. There is no further policy which seeks to deal with this. This is a significant and troubling oversight. The emerging plan in its current form does not provide for requirements in traditional employment sectors, including those upon which the future success of Exeter Airport relies.

Allocating sufficient employment land across all sectors is critical to the City and sub-regional economy, for aviation related and all other businesses, in attracting investment, creating employment, driving growth, and ensuring the area is able to prosper. The emerging plan for Exeter must grapple with this. The current approach – of focusing on one part of the economy whilst ignoring all others – is inappropriate and unacceptable.

In this context Chapter 7 of the Plan is unsound because it is not positively prepared (it does not meet development requirements), it is not justified (no reason is given for a strategy which ignores key parts of the economy), and it is inconsistent with national policy (failing to plan to meet need in the manner expressed above).

[Suggested modifications for soundness:]

Chapter 7 should be re-written comprehensively so that it meets the basic necessity of identifying the quantum of land required to meet the needs of the economy as a whole, not just one sector, and then allocating sites to meet that need.

[Regarding duty to cooperate:]

The Regulation 19 Plan (paragraph 7.6) confirms the commitment of Exeter and the partner authorities to work together to address any shortfall in employment land. It does not quantify what this shortfall might be, or provide further guidance as to how, when and where it will be made good. There is no sense that this matter has been given any proper consideration, and no reliance can be placed on assertions it will be addressed in the future.

Modifications: Chapter 7 should be re-written comprehensively so that it meets the basic necessity of identifying the quantum of land required to meet the needs of the economy as a whole, not just one sector, and then allocating sites to meet that need.

Requested to attend examination?: No

Ref: D-03-07-X

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Requirements for functional economic areas are discussed throughout this section, however access to useable green space is missing. Proximity to green space is essential for any employment area to allow employees access to the many established benefits that green spaces provide e.g. exercise, relaxation, reduction in stress.

Modifications: -

Requested to attend examination?: -

Ref: F-01-07-X

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: -

Ref: C-05-07-EJ1

Representor: Bloor Homes Exeter and Stuart Partners Ltd

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ1: Economic growth (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: Delivering a net increase in new jobs to support economic prosperity and local employment is an essential component of the plan (which is supported). The city of Exeter plays a critical role as a centre in this part of Devon, and this should be reflected in the role and ambition of the City to drive economic growth (and associated plan policies).

It is concerning that the plan does not state with any clarity or precision the levels of job growth being targeted and the quantum of new employment land and development that is required (with reference to acknowledged need which is shown by evidence base for the plan, including the Greater Exeter EDNA).

The plan fails to provide for, via safeguarding and/or allocations, sufficient land to meet economic development needs in the City. The strategy for the plan being based on regeneration of significant areas that comprise existing employment land, risks a loss (rather than gain) of land and premises for employment provision within the city. It is notable that many of the areas being allocated for redevelopment within the plan, comprise high functioning (and higher value) employment land. The plan fails to meet the needs of the City for employment land, even assuming that no employment land is lost, without factoring displaced needs arising from redevelopment.

Given the sub-regional role provided by the City, if the strategy is to not fully meet economic development needs within the boundaries, but rely on the wider area (part of the Functional Economic Market Area) then there should be clear and effective co-operation with neighbouring authorities, including (but not limited to) East Devon, where there are significant opportunities for development in and around the West End (in close proximity to various existing large employment centres).

The plan needs to be far clearer on how employment and economic development needs for the City are being met in full, or the extent to which the strategy for the plan relies on meeting employment and economic development needs within the wider area (which is part of the Functional Economic Market Area). The plan needs to be far clearer on where any residual employment needs are arising (this is not currently possible as the plan does not clearly state with clarity the level of job growth being targeted) and how these needs (or any displaced uses, users or needs arising from redevelopment) will be met, which will require further close co-ordination and co-operation with neighbouring authorities (such as East Devon).

Modifications: The plan needs to be far clearer on how employment and economic development needs for the City are being met in full, or the extent to which the strategy for the plan relies on meeting employment and

economic development needs within the wider area (which is part of the Functional Economic Market Area). The plan needs to be far clearer on where any residual employment needs are arising (this is not currently possible as the plan does not clearly state with clarity the level of job growth being targeted) and how these needs (or any displaced uses, users or needs arising from redevelopment) will be met, which will require further close co-ordination and co-operation with neighbouring authorities (such as East Devon).

Requested to attend examination?: Yes

Ref: C-06-07-EJ1

Representor: Broom

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ1: Economic growth (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy EJ1 Economic Growth [bold]

Policy EJ1 suggests that development proposals will be supported where they meet the economic needs of the city identified by the Economic Development Needs Assessment (EDNA).

The EDNA (2023) notes that Exeter is the main office location in Greater Exeter, but that it has insufficient employment land to meet the forecast demand for both offices and industrial development between 2020-2040 and that there is limited scope for more employment land in the city beyond that identified. It confirms that some of the demand stimulated by the city's economy will need to be accommodated in its hinterland, in adjoining local authority areas.

Despite the recognised demand for industrial development within the EDNA, policies EJ1 (and EJ6) focus its support on the transformational sectors. Despite the clear need for industrial employment land identified within the EDNA, the proposed policies and allocations do not explicitly encourage, support or allocate land for new industrial development. Further, despite the omission of North Gate and high performing employment land at Marsh Barton as formal residential-led allocations, their identification as regeneration opportunity areas has potential to result in a net loss of employment land in Exeter.

As evidenced by the EDNA, there is a substantial and demonstrable shortfall in industrial employment land, particularly for logistics across the sub-region and this is highlighted in a recent appeal decision in East Devon. Appeal reference APP/U1105/C/22/3295011 for land at Hill Barton, Sidmouth Road, Clyst St Mary refers to an application for HGV parking.

This appeal decision refers to the East Devon Economic Land Review published by EDDC in October 2023. The Economic Land Review indicated current demand for over 50ha of employment space, of which 80% relates to the logistics sector. In contrast, the Review indicated that only 1.7ha, of which over 70% is office space, is available. It continued that, over the period 2019-2040 demand for employment space in East Devon was expected to be nearly 130ha, of which over 123ha would be for industrial and logistics space. In contrast, current and future supply over that period was anticipated to be approximately 87ha, indicating a shortfall of 43ha at the end of period 2019-2040.

The Inspector highlighted, that logistic businesses need locations with good access to the road network, and in this part of Devon, this means that demand is focused on Exeter and around the M5. The decision recognised that the west part of East Devon is located within that market area with potential sites for development to meet the needs of logistics operators being both within and outside of East Devon. EDDC accepted, in response to the appeal, that more land needs to be found for logistics operators.

The Inspector concluded that there is a demonstrable and significant shortfall in the provision of employment land in the area around Hill Barton Business Park, particularly for logistic operators and that this must carry significant weight in the planning balance. See Appeal Decision here [embedded link: https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf].

The EDNA acknowledges that there is limited land available in Exeter to meet the demand stimulated by Exeter's economy, and that land will need to be found in neighbouring authorities. This appeal decision and East Devon's own evidence acknowledges that the West End of East Devon is well located in the market area to meet the employment needs of East Devon and neighbouring authorities.

As above, the evidence suggests that Exeter cannot meet demand for employment land supply within its administrative area. Therefore neighbouring authorities must, under the Duty to Cooperate, allocate land to meet its needs and those of neighbouring authorities where needs cannot be met within its plan area. In the case of both employment land and housing land, the West End area of East Devon is best placed to meet Exeter's need/demand.

ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DC's Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Para. 7.6 of the Exeter Plan states that *'the partner authorities (the City Council, East Devon, Mid Devon and Teignbridge District Councils and Devon County Council) are committed to continuing to work together, in accordance with the duty to cooperate, to address any shortfall in employment land to ensure the continued economic success of the wider area'.*

However, EDDC propose to object to the Exeter Plan as set out in a report to the EDDC Strategic Planning Committee on the 4th February 2025 (See EDDC Report SPC here <https://democracy.eastdevon.gov.uk/documents/s26150/3.%20Exeter%20Reg%2019%20Local%20Plan%20consultation.pdf>). The objection is on the basis that it fails to make available sufficient land for employment provision. EDDC Officer's recommended response recognises that the Exeter Plan does not refer to the Exeter specific employment land requirement nor how the Exeter Plan has addressed this need. It notes that the Exeter Plan fails to state that it will meet an Exeter quantified need and that *'no request has been made under the duty to co-operate for East Devon District Council to assist in meeting the employment land need identified in the EDNA. The land identified in the emerging East Devon Local Plan 2020-2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.'*

Whilst not explicit in the Exeter Plan, as suggested by EDDC, the Exeter Plan appears to rely on the collective land supply for employment across the sub-region, without formal request under the duty to co-operate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the significant and demonstrable shortfall in employment land supply recognised by the EDNA either by allocating additional land within its administrative boundary to meet Exeter's need or alternatively if this is not possible (which as evidenced by the EDNA is highly likely) it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) development needs broadly in line with the issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-10-07-EJ1

Representor: Costco Wholesale UK Limited

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ1: Economic growth (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Finally, we note that the Reg.19 consultation proposes a number of significant changes to Policy EJ1 relative to the Reg.18 version, as set out below.

[underline] Reg.18 draft consultation wording: [underline]

[italic] 'The City Council is committed to supporting Exeter in becoming one of the UK's leading knowledge economies. To help deliver this, appropriate development proposals for the following transformational sectors will be supported:

- Data analytics;
- Environmental futures;
- Health innovation;
- Digital innovation;
- Creative industries; and
- Other emerging transformational sectors.

The City Council will work with partner authorities and other stakeholders to deliver improvements to digital and other infrastructure, and improved education and training to encourage and support growth in the transformational sectors.' [italic]

[underline] Reg.19 draft consultation wording: [underline]

[italic] 'Development proposals will be supported where they meet the economic needs of the city as identified in the Economic Development Needs Assessment.

The City Council is committed to supporting Exeter in becoming one of the United Kingdom's leading knowledge and clean growth economies. To help deliver this, appropriate development proposals for the following transformational sectors will be supported:

- Data analytics;
- Environmental futures;
- Health innovation;
- Digital innovation;
- Green economy;
- Creative industries; and
- Other emerging transformational sectors.'

The City Council will work with partner authorities and other stakeholders to deliver improvements to digital and other infrastructure, and improved education and training, to encourage and support growth in the transformational sectors.' [italic]

The insertion of the additional paragraph at the start of this policy, which states that development proposals will be supported where they meet the economic needs of the city, is welcomed as a step in the right direction in terms of the Council acknowledging the contribution which other types of economic development can generate. However, reflecting the thrust of our comments above, it considered that by linking the policy wording to the findings of the council's Economic Development Needs Assessment, the policy wording is potentially not providing general support in principle for proposals which will deliver economic benefit to the city which may not be captured by this study.

By amending the wording of the policy to reflect the suggestions below, it is also considered that it will bring the policy wording in line with the supporting text to the policy, which acknowledges (para 7.10) that [italic] 'In supporting economic growth, the City Council aims to ensure that [underline] all the city's citizens gain from the prosperity and wellbeing generated by the local economy' [underline] [italic] (our emphasis).

Modifications: Accordingly, it is requested that the wording of draft Policy EJ1 is revised to state:

[italic] 'Development proposals will be supported where they [red] make a positive contribution to employment generation and meeting [red] the economic needs of the city [strikethrough] as identified in the Economic Development Needs Assessment. [strikethrough]

The City Council is committed to supporting Exeter in becoming one of the United Kingdom's leading knowledge and clean growth economies. To help deliver this, appropriate development proposals for the following transformational sectors will [red] in particular [red] be supported:

- Data analytics;
- Environmental futures;
- Health innovation;
- Digital innovation;

- Green economy;
- Creative industries; and
- Other emerging transformational sectors.

The City Council will work with partner authorities and other stakeholders to deliver improvements to digital and other infrastructure, and improved education and training, to encourage and support growth in the transformational sectors.' [italic]

Requested to attend examination?: No

Ref: C-35-07-EJ1

Representor: Stuart Partners Ltd 24001

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ1: Economic growth (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy EJ1 Economic Growth [bold]

Policy EJ1 suggests that development proposals will be supported where they meet the economic needs of the city identified by the Economic Development Needs Assessment (EDNA).

The EDNA (2023) notes that Exeter is the main office location in Greater Exeter, but that it has insufficient employment land to meet the forecast demand for both offices and industrial development between 2020-2040 and that there is limited scope for more employment land in the city beyond that identified. It confirms that some of the demand stimulated by the city's economy will need to be accommodated in its hinterland, in adjoining local authority areas.

Despite the recognised demand for industrial development within the EDNA, policies EJ1 (and EJ6) focus its support on the transformational sectors. Despite the clear need for industrial employment land identified within the EDNA, the proposed policies and allocations do not explicitly encourage, support or allocate land for new industrial development. Further, despite the omission of North Gate and high performing employment land at Marsh Barton as formal residential-led allocations, their identification as regeneration opportunity areas has potential to result in a net loss of employment land in Exeter.

As evidenced by the EDNA, there is a substantial and demonstrable shortfall in industrial employment land, particularly for logistics across the sub-region and this is highlighted in a recent appeal decision in East Devon. Appeal reference APP/U1105/C/22/3295011 for land at Hill Barton, Sidmouth Road, Clyst St Mary refers to an application for HGV parking.

This appeal decision refers to the East Devon Economic Land Review published by EDDC in October 2023. The Economic Land Review indicated current demand for over 50ha of employment space, of which 80% relates to the logistics sector. In contrast, the Review indicated that only 1.7ha, of which over 70% is office space, is available. It continued that, over the period 2019-2040 demand for employment space in East Devon was expected to be nearly 130ha, of which over 123ha would be for industrial and logistics space. In contrast, current and future supply over that period was anticipated to be approximately 87ha, indicating a shortfall of 43ha at the end of period 2019-2040.

The Inspector highlighted, that logistic businesses need locations with good access to the road network, and in this part of Devon, this means that demand is focused on Exeter and around the M5. The decision recognised that the west part of East Devon is located within that market area with potential sites for development to meet the needs of logistics operators being both within and outside of East Devon. EDDC accepted, in response to the appeal, that more land needs to be found for logistics operators.

The Inspector concluded that there is a demonstrable and significant shortfall in the provision of employment land in the area around Hill Barton Business Park, particularly for logistic operators and that this must carry significant weight in the planning balance. See Appeal Decision here [embedded link: https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf].

The EDNA acknowledges that there is limited land available in Exeter to meet the demand stimulated by Exeter's economy, and that land will need to be found in neighbouring authorities. This appeal decision and East Devon's own evidence acknowledges that the West End of East Devon is well located in the market area to meet the employment needs of East Devon and neighbouring authorities.

As above, the evidence suggests that Exeter cannot meet demand for employment land supply within its administrative area. Therefore neighbouring authorities must, under the Duty to Cooperate, allocate land to meet its needs and those of neighbouring authorities where needs cannot be met within its plan area. In the case of both employment land and housing land, the West End area of East Devon is best placed to meet Exeter's need/demand.

ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [embedded link: https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DC's Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Para. 7.6 of the Exeter Plan states that [italic] 'the partner authorities (the City Council, East Devon, Mid Devon and Teignbridge District Councils and Devon County Council) are committed to continuing to work together, in accordance with the duty to cooperate, to address any shortfall in employment land to ensure the continued economic success of the wider area'. [italic]

However, EDDC propose to object to the Exeter Plan as set out in a report to the EDDC Strategic Planning Committee on the 4th February 2025 (See EDDC Report SPC here [embedded link: <https://democracy.eastdevon.gov.uk/documents/s26150/3.%20Exeter%20Reg%2019%20Local%20Plan%20consultation.pdf>]). The objection is on the basis that it fails to make available sufficient land for employment provision. EDDC Officers recommended response recognises that the Exeter Plan does not refer to the Exeter specific employment land requirement nor how the Exeter Plan has addressed this need. It notes that the Exeter Plan fails to state that it will meet an Exeter quantified need and that [italic] 'no request has been made under the duty to co-operate for East Devon District Council to assist in meeting the employment land need identified in the EDNA. The land identified in the emerging East Devon Local Plan 2020-2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.' [italic]

Whilst not explicit in the Exeter Plan, as suggested by EDDC, the Exeter Plan appears to rely on the collective land supply for employment across the sub-region, without formal request under the duty to co-operate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces

Modifications: The Exeter Plan needs to address the significant and demonstrable shortfall in employment land supply recognised by the EDNA either by allocating additional land within its administrative boundary to meet Exeter's need or alternatively if this is not possible (which as evidenced by the EDNA is highly likely) it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) development needs broadly in line with the issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-41-07-EJ1

Representor: University of Exeter

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ1: Economic growth (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University fully supports policy EJ1 and its emphasis on fostering the city as a leading knowledge economy. It also appreciates the acknowledgment in the supporting text of the significant economic benefits the University contributes.

The identified transformational sectors align closely with the University's strengths in research, innovation, and teaching. The University looks forward to collaborating closely with the City Council on the implementation of this policy. This includes key projects such as the future health campus at St Luke's, the creation of the Innovation Hub at City Point, and other initiatives where the University is taking a leading role or providing advisory and supporting contributions.

Modifications: -

Requested to attend examination?: No

Ref: D-06-07-EJ1

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ1: Economic growth (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: ECS records that EJ1 is not compliant with the supporting text, as this says that 'meeting economic development needs' should not only include 'by supporting the transformational sectors', but also by 'retaining established employment areas' (7.6).

Modifications: ECS suggests a rewording of the second paragraph of EJ1, which should read:

'The City Council is committed to

a) retaining and further enhancing existing employment areas, and

b) supporting Exeter in becoming one the United Kingdom's leading knowledge and clean growth economies.

Help deliver this, appropriate development proposals for the following transformational sectors will be supported:

- Data analytics. [...]

Requested to attend examination?: Yes

Ref: B-06-07-EJ2

Representor: National Highways

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ2: Retention of employment land (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Within the context of the employment land constraints identified within the Spatial Strategy and supporting EDNA, National Highways welcomes the inclusion of Strategic Policy EJ2 (Retention of employment land) which seeks to protect established employment areas from redevelopment for other uses.

Modifications: -

Requested to attend examination?: Yes

Ref: C-07-07-EJ2

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ2: Retention of employment land (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The wording of Policy EJ2 (Retention of employment land) has been amended since the previous Full Draft Exeter Plan consultation. The updated wording is as follows:

The established employment areas at Southernhay, Matford, Pinhoe, Sowton, Exeter Business Park, Pynes Hill and Peninsula Park will be retained in employment use. Elsewhere, the loss of employment land to an alternative use may be considered acceptable where the site is allocated for mixed use redevelopment, or where regeneration would make more efficient use of the land and would not result in any loss of employment floorspace, or where it is demonstrated that employment use is no longer viable and there is no reasonable prospect of the site being used for employment purposes in the future.

The Client objects to the amended wording, for the following reasons:

- The updates made to the wording of the policy are unclear and confusing.
- Previously, this policy clearly allowed for flexibility on the loss of employment floorspace where
 - a) Sites are allocated for redevelopment.
 - b) Where it is demonstrated that employment use is not viable or needed to meet current and long-term needs up to 2040
- In the updated wording, these exceptions have been amended to specify 'mixed use' redevelopment and change the wording on future viability. They have also been expanded to include "where regeneration would make more efficient use of the land".
- However, the wording of this additional point reads as follows "Elsewhere, the loss of employment land to an alternative use may be considered acceptable ... where regeneration would make more efficient use of the land and would not result in any loss of employment floorspace". The Client therefore argues that this sentence is entirely contradictory.
- The supporting text confirms that the Policy's aim is to protect employment floorspace in allocated employment areas whilst allowing for the change of use of employment land elsewhere in the specified circumstances, including areas suitable for regeneration:

“However, it is also important to make the most efficient use of land and, in a rapidly changing economy, it may be that some sites outside the established employment areas should be released for other uses...

Existing employment land can also provide new opportunities for regeneration, combining housing and employment in ways that make more efficient use of land and meet the needs of growth sectors now and in the future. Importantly, such proposals will need to comply with Policy H3: Regeneration opportunity areas.

Policy EJ2 seeks to protect those established employment areas that are key to meeting our future employment needs, whilst elsewhere allowing for a change of use in certain specific and evidenced circumstances.”

Modifications: [...] As such, the current wording appears to be a mistake and rewording or clarification is required, for example to remove “and would not result in any loss of employment floorspace”.

- The Client also recommends that the policy worded is expanded to specifically clarify and list the locations of “where land is allocated for mixed use redevelopment”, including the East Gate strategic mixed use brownfield site.
- Similarly to Policy H3, in locations such as East Gate, where the site has been identified as a regeneration area and allocated for mixed use development with a large housing capacity, it should be clearly stated that there are no restrictions on the loss of employment space.

[bold] Recommendation: [bold] The Client recommends that Policy EJ2 is reworded, for example to remove ‘and would not result in any loss of employment floorspace’ or that further clarification is provided. It should clearly state that there are no restrictions on the loss of employment floorspace in areas suitable for regeneration such as the strategic brownfield site, East Gate.

Requested to attend examination?: Yes

Ref: C-10-07-EJ2

Representor: Costco Wholesale UK Limited

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ2: Retention of employment land (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Whilst we welcome that there have been some changes to the wording of Policy EJ2 relative to the previous consultation, we consider further changes should be made. We maintain our view that, in order to better reflect the aims and objectives of the NPPF, the Local Plan should adopt a more flexible approach to the future use of its existing employment sites. In our previous representations, we requested that the policy wording was amended to make reference to 'employment generating uses', and we continue to hold the view that this represents the most appropriate approach for the policy to follow.

[underline] Reg.18 draft consultation wording: [underline]

[italic] 'The established employment areas at Southernhay, Matford, Pinhoe, Sowton, Exeter Business Park, Pynes Hill and Peninsula Park will be retained in employment use. Elsewhere, the loss of employment land to an alternative use may be considered acceptable where land is allocated for redevelopment or where it is demonstrated that employment use is not viable or needed to meet current and long-term needs up to 2040.'

[italic]

[underline] Reg.19 draft consultation wording: [underline]

[italic] 'The established employment areas at Southernhay, Matford, Pinhoe, Sowton, Exeter Business Park, Pynes Hill and Peninsula Park will be retained in employment use. Elsewhere, the loss of employment land to an alternative use may be considered acceptable where the site is allocated for mixed use redevelopment, or where regeneration would make more efficient use of the land and would not result in any loss of employment floorspace, or where it is demonstrated that employment use is no longer viable and there is no reasonable prospect of the site being used for employment purposes in the future'

[italic]

Modifications: [underline] Requested changes to policy wording in Reg.19 version: (note: requested changes shown in red text) [underline]

[italic] 'The established employment areas at Southernhay, Matford, Pinhoe, Sowton, Exeter Business Park, Pynes Hill and Peninsula Park will be retained [red] for employment-generating uses. [red] Elsewhere, the loss of employment land to an alternative use [red] will [red] be considered acceptable where:

[red] (i) [red] the site is allocated for [strikethrough] mixed use [strikethrough] redevelopment, or

[red] (ii) [red] where regeneration would make more efficient use of the land and [red] would provide alternative employment-generating opportunities,[red] ~~[red]~~ would not result in any loss of employment floorspace, ~~[red]~~ or

[red] (iii) [red] where it is demonstrated that employment use is no longer viable and there is no reasonable prospect of the site being used for employment purposes in the future' *[red]*

Requested to attend examination?: No

Ref: C-11-07-EJ2

Representor: CR Down Farming Ltd and Stuart Partners Ltd

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ2: Retention of employment land (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Impact on Employment Land Supply

85% of ECC's housing need is proposed to be met on existing employment land. However, there is only a finite supply of such land within the administrative area of Exeter, which ECC acknowledges.

Draft Policy EJ2 (Retention of Employment Land) seeks to protect the established employment areas at Southernhay, Matford, Pinhoe, Sowton, Exeter Business Park, Pynes Hill and Peninsula Park.

The competing objectives of protecting existing employment land and delivering sufficient housing would therefore seem to be incompatible, such that the strategy is called into question.

Modifications: -

Requested to attend examination?: Yes

Ref: C-36-07-EJ2

Representor: Taylor Wimpey

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ2: Retention of employment land (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Economy and Jobs

This section identifies the significant potential for Exeter to take full advantage of opportunities for economic growth. Whilst this aspiration is supported the plan fails to consider the impact of its spatial strategy upon this aspiration.

The policy identifies that:

“...the loss of employment land to an alternative use may be considered acceptable where the site is allocated for mixed use redevelopment, or where regeneration would make more efficient use of the land and would not result in any loss of employment floorspace, or where it is demonstrated that employment use is no longer viable and there is no reasonable prospect of the site being used for employment purposes in the future....”.

As discussed within our comments upon the spatial strategy and Policy H2 the plan is heavily focused upon the redevelopment of city centre sites for mixed use development, and regeneration areas, as outlined in Policy H3. These sites are proposed to include significant new housing. Furthermore, the supply as set out within Policy H2 is predicated upon the delivery of over 1,000 homes on windfall sites. Given the landscape constraints provided within Policy NE1 many of these windfalls will have to be within the existing urban area.

As such much of the growth will have to be delivered in areas largely occupied by existing uses which support local jobs. The delivery of this strategy will require existing businesses to either close or be relocated without any consideration to the impact upon jobs or the local economy. The net effect is likely to be the loss of jobs, at least in the short to medium term. This will not only impact upon the economic success of Exeter but also the delivery of the strategy. This is considered a failing in the plan.

In common with our comments upon Policy H2 it is recommended that additional allocations are provided to ensure that the strategy is deliverable.

Modifications: In common with our comments upon Policy H2 it is recommended that additional allocations are provided to ensure that the strategy is deliverable.

Requested to attend examination?: -

Ref: D-06-07-EJ2

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ2: Retention of employment land (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: "Employment land" is defined in the Glossary as land or buildings used for specified purposes, including Use Class E (g), but not other paragraphs of Use Class E. Section 55(2) of the 1990 Act provides that movement between uses within the same class is not "development" and so does not require planning permission. Thus, any land or buildings being used for any purpose in Class E can change to any other purpose in Class E without the need for planning permission.

The policy as currently worded cannot be delivered. A restrictive policy cannot override statutory provision which is more generous.

Modifications: In the Glossary, in "Employment land" delete "Use Class Eg (including Eg(i) offices, Eg(ii) research and development, and Eg (iii) industrial processes), and replace with Use Class E (commercial)"

As specified in 4 c above. This will make the policy deliverable in so far as it would comply with the statutory provisions.

Requested to attend examination?: Yes

Ref: B-06-07-EJ3

Representor: National Highways

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ3: New forms of employment provision (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: National Highways also supports the objectives of Strategic Policy EJ3 (New forms of employment provision) which seeks to support the delivery of work hubs, collaborative workspace, and live-work schemes, contributing to a reduction in the need to travel.

Modifications: -

Requested to attend examination?: Yes

Ref: C-06-07-EJ3

Representor: Broom

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ3: New forms of employment provision (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy EJ3 [bold]

Policy EJ3 seeks to promote economic growth, reduce the need to travel, deliver high quality development and support flexible working. It supports new forms of employment development including work hubs, collaborative work space and appropriate live-work schemes.

The EDNA (2023) notes that Exeter is the main office location in Greater Exeter, but that it has insufficient employment land to meet the forecast demand for both offices and industrial development between 2020-2040. The EDNA suggests demand for 21ha (middle range) of office land versus 4ha of supply and 50ha (middle range) of industrial land versus a supply of 7ha. In response, the Exeter Plan allocates only 3 sites for transformational employment uses amounting to 15.5ha and only two of the five strategic residential-led mixed use allocations include a requirement for new employment provision. Whilst Policy EJ3 aspires to assist in boosting employment supply, this requirement of strategic mixed-use brownfield development allocations will undoubtedly impact upon the viability and therefore the deliverability of these allocations.

The Viability Assessment of the Exeter Plan indicates that the requirements of the five strategic mixed use allocations will have viability implications, with work hubs and collaborative workspace identified in para. 2.8. See Viability Assessment of Viability Plan here [embedded link: https://exeter.gov.uk/media/au0dcvqt/local-plan-viability-assessment_final.pdf]

The ECC Planning Committee has recently resolved to approve application reference 23/1007/OUT which forms part of proposed allocation SBA1 Water Lane, in accordance with the Officer recommendation See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]. It is not evident that work hubs or collaborative workspace has been proposed as part of the development.

The recommendation concluded that the development is unviable. A Financial Viability Appraisal (FVA) was included within the application submission, assessed by an independent consultant and considered to be consistent with the RICS Practice Statement and Guidance. The independent assessment of the FVA confirmed that the viability gap is substantial and that the development is unviable. The Committee Report confirms that, due

to significant abnormal and additional costs in bringing this brownfield site forward, the development would not be able to provide affordable housing in addition to the infrastructure funding. The Committee Report confirmed that still, even without affordable housing provision, the development is unlikely to proceed without external subsidy or other intervention.

The conclusions of the application FVA is a stark contrast to the findings of the Viability Assessment (VA) of the Exeter Plan (para. 6.5) which found that the brownfield higher density allocations of VA1 Exeter central (which includes SBA1 Water Lane), '[italic] are broadly viable as tested and able to deliver the general policy requirements'. [italic] The VA (para.6.8) caveats that '[italic] there is little detail available on site costs or funding mechanisms for the allocation specific policies' [italic] and that '[italic] the approach taken within the viability assessment is to separately test the likely forms of development and tenures and consider the viability headroom available to meet any site specific cost implications'. [italic] In light of this caveat (and in noting the outcome of 23/1007/OUT), the accuracy and reliability of the findings of the VA with regard to brownfield allocations is questionable.

Application reference 23/1007/OUT Water Lane (South) demonstrates that brownfield sites, even where they do not provide all policy requirements, cannot be a reliably meet development needs.

As such it cannot be concluded with certainty that policy EJ3 will reliably assist in meeting the shortfall in employment land supply.

ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) development needs broadly in line with the issues the subregion faces.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DC's Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Para. 7.6 of the Exeter Plan states that '[italic] the partner authorities (the City Council, East Devon, Mid Devon and Teignbridge District Councils and Devon County Council) are committed to continuing to work together, in accordance with the duty to cooperate, to address any shortfall in employment land to ensure the continued economic success of the wider area'. [italic]

However, EDDC propose to object to the Exeter Plan as set out in a report to the EDDC Strategic Planning Committee on the 4th February 2025 (See EDDC Report SPC here [embedded link: <https://democracy.eastdevon.gov.uk/documents/s26150/3.%20Exeter%20Reg%2019%20Local%20Plan%20consultation.pdf>]). The objection is on the basis that it fails to make available sufficient land for employment provision. EDDC Officer's recommended response recognises that the Exeter Plan does not refer to the Exeter specific employment land requirement nor how the Exeter Plan has addressed this need. It notes that the Exeter Plan fails to state that it will meet an Exeter quantified need and that '[italic] no request has been made under the duty to co-operate for East Devon District Council to assist in meeting the employment land need identified in the EDNA. The land identified in the emerging East Devon Local Plan 2020-2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.' [italic]

Whilst not explicit in the Exeter Plan, as suggested by EDDC, the Exeter Plan appears to rely on the collective land supply for employment across the sub-region, without formal request under the duty to co-operate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the significant and demonstrable shortfall in employment land supply recognised by the EDNA either by allocating additional land within its administrative boundary to meet Exeter's need or alternatively if this is not possible (which as evidenced by the EDNA is highly likely) it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) development needs broadly in line with the issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-10-07-EJ3

Representor: Costco Wholesale UK Limited

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ3: New forms of employment provision (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: In both of our previous representations, we requested the Council should reconsider the wording of this policy, as there is an inference that the only 'new forms of employment provision' which the Council will support are the three listed in the policy wording, i.e. work hubs, collaborative workspace, and live-work schemes.

We note that there has been no change to this proposed policy approach in the Reg.19 Local Plan, although we note that there is now additional text inserted into Policy EJ1 which takes a more general policy approach in respect of how the Council will consider application for new employment development or employment-generating uses, which is welcomed. Nevertheless, Policy EJ3 could infer that the Council will not support applications which fall outside the sectors listed in the policy wording. It is considered that policy wording could dissuade securing potential investment into Exeter from wider sectors, which could in turn have the consequence of undermining the economic success of the city. There are many other forms of employment generating uses which can add value and enhance the economic profile of Exeter which fall outside these sectors. It is not appropriate to imply all large scale schemes have to incorporate these specific employment uses.

We therefore repeat our request for the approach set out in Policy EJ3 to be more accommodating in its support of other economic sectors in addition to the knowledge economy sectors which the policy seeks to prioritise. It is also considered that the requirement for all new strategic brownfield proposals to include these 'new forms of employment provision' to be unreasonable, as there may be situations where such uses are not compatible with the wider type of development being proposed.

[underline] Reg.18 draft consultation wording: [underline]

[italic] 'To promote economic growth, reduce the need to travel, deliver high quality development and support flexible working, development proposals for the following new forms of employment provision will be supported:

- Work hubs
- Collaborative workspace
- Live-work units Large-scale developments will be required to include these forms of provision unless it has been demonstrated robustly that the demand has been addressed in other ways.' [italic]

[underline] Reg.19 draft consultation wording: [underline]

[italic] 'To promote economic growth, reduce the need to travel, deliver high quality development and support flexible working, development proposals for the following new forms of employment development will be supported:

- Work hubs;
 - Collaborative workspace; and
 - Appropriate live-work schemes. Strategic brownfield development proposals will be required to include these forms of provision unless it has been demonstrated robustly that the demand has been addressed in other ways.'
- [italic]

Modifications: [bold] Requested changes to policy wording in Reg.19 version: [bold]

[italic] [red] 'The Council will promote economic growth by considering applications for new employment-generating uses on their individual merits. To [red] promote [red] sustainable [red] growth, reduce the need to travel, deliver high quality development and support flexible working, development proposals for the following new forms of employment development will [red] in particular [red] be supported:

- Work hubs;
- Collaborative workspace; and
- Appropriate live-work schemes.'

[red] [strikethrough] Strategic brownfield development proposals will be required to include these forms of provision unless it has been demonstrated robustly that the demand has been addressed in other ways.' [red] [strikethrough] [italic]

Requested to attend examination?: No

Ref: C-35-07-EJ3

Representor: Stuart Partners Ltd 24001

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ3: New forms of employment provision (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy EJ3 [bold]

Policy EJ3 seeks to promote economic growth, reduce the need to travel, deliver high quality development and support flexible working. It supports new forms of employment development including work hubs, collaborative work space and appropriate live-work schemes.

The EDNA (2023) notes that Exeter is the main office location in Greater Exeter, but that it has insufficient employment land to meet the forecast demand for both offices and industrial development between 2020-2040. The EDNA suggests demand for 21ha (middle range) of office land versus 4ha of supply and 50ha (middle range) of industrial land versus a supply of 7ha. In response, the Exeter Plan allocates only 3 sites for transformational employment uses amounting to 15.5ha and only two of the five strategic residential-led mixed use allocations include a requirement for new employment provision. Whilst Policy EJ3 aspires to assist in boosting employment supply, this requirement of strategic mixed-use brownfield development allocations will undoubtedly impact upon the viability and therefore the deliverability of these allocations.

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The recommendation concluded that the development is unviable. A Financial Viability Appraisal (FVA) was included within the application submission, assessed by an independent consultant and considered to be consistent with the RICS Practice Statement and Guidance. The independent assessment of the FVA confirmed that the viability gap is substantial and that the development is unviable. The Committee Report confirms that, due

to significant abnormal and additional costs in bringing this brownfield site forward, the development would not be able to provide affordable housing in addition to the infrastructure funding. The Committee Report confirmed that still, even without affordable housing provision, the development is unlikely to proceed without external subsidy or other intervention.

The conclusions of the application FVA is a stark contrast to the findings of the Viability Assessment (VA) of the Exeter Plan (para. 6.5) which found that the brownfield higher density allocations of VA1 Exeter central (which includes SBA1 Water Lane), [italic] 'are broadly viable as tested and able to deliver the general policy requirements'. The VA (para.6.8) caveats that 'there is little detail available on site costs or funding mechanisms for the allocation specific policies' and that 'the approach taken within the viability assessment is to separately test the likely forms of development and tenures and consider the viability headroom available to meet any site specific cost implications' [italic]. In light of this caveat (and in noting the outcome of 23/1007/OUT), the accuracy and reliability of the findings of the VA with regard to brownfield allocations is questionable.

Application reference 23/1007/OUT Water Lane (South) demonstrates that brownfield sites, even where they do not provide all policy requirements, cannot be a reliably meet development needs.

As such it cannot be concluded with certainty that policy EJ3 will reliably assist in meeting the shortfall in employment land supply.

ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) development needs broadly in line with the issues the subregion faces.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [embedded link: https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DCs Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Para. 7.6 of the Exeter Plan states that [italic] 'the partner authorities (the City Council, East Devon, Mid Devon and Teignbridge District Councils and Devon County Council) are committed to continuing to work together, in accordance with the duty to cooperate, to address any shortfall in employment land to ensure the continued economic success of the wider area'. [italic]

However, EDDC propose to object to the Exeter Plan as set out in a report to the EDDC Strategic Planning Committee on the 4th February 2025 (See EDDC Report SPC here [embedded link: <https://democracy.eastdevon.gov.uk/documents/s26150/3.%20Exeter%20Reg%2019%20Local%20Plan%20consultation.pdf>]). The objection is on the basis that it fails to make available sufficient land for employment provision. EDDC Officers recommended response recognises that the Exeter Plan does not refer to the Exeter specific employment land requirement nor how the Exeter Plan has addressed this need. It notes that the Exeter Plan fails to state that it will meet an Exeter quantified need and that [italic] 'no request has been made under the duty to co-operate for East Devon District Council to assist in meeting the employment land need identified in the EDNA. The land identified in the emerging East Devon Local Plan 2020-2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.' [italic]

Whilst not explicit in the Exeter Plan, as suggested by EDDC, the Exeter Plan appears to rely on the collective land supply for employment across the sub-region, without formal request under the duty to co-operate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the shortfall employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-41-07-EJ3

Representor: University of Exeter

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ3: New forms of employment provision (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University welcomes policy EJ3 and its emphasis on supporting innovative forms of employment provision. The planned Innovation Hub at City Point illustrates this approach, offering a collaborative environment and serving as a focal point for innovation. The University is keen to explore additional initiatives of this nature, adaptable to various scales and contexts.

Modifications: -

Requested to attend examination?: No

Ref: D-06-07-EJ3

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ3: New forms of employment provision (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The Policy incorrectly assumes that the specified forms of development will deliver employment as set out in the Glossary. It is unlikely, for example, that a “live-work scheme” will deliver “[bold] substantial [bold] employment or economic benefits”

Modifications: In the Glossary definition of “Employment land” include “Development for new forms of employment”

Requested to attend examination?: No

Ref: D-06-07-EJ4

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ4: Access to jobs and skills

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: It is disproportionate to require “All major developments ... to submit, and deliver the provisions in, an Employment and Skills Plan”. As written, this would include a development of 10 houses which is too low a threshold to impose such a requirement on developers, and unrealistic to expect them to be able to deliver.

Modifications: Delete “all major development proposals” and replace with “all major mixed use development proposals”, or “all major non-residential development proposals” or “all large-scale development proposals”.

Requested to attend examination?: No

Ref: B-03-07-EJ6

Representor: Historic England

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ6: New transformational employment allocations (Strategic policy)

Paragraph: 7.30 and 7.31

Site: St Luke's Campus, Heavitree Road (Employment allocation)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: New transformational employment allocations: St Luke's Health Campus is located partly within and otherwise surrounded by St Leonards Conservation Area. There are also several listed buildings close to the site, while the non-designated heritage assets of St Luke's College / North Cloisters and chapel are located within the site itself. This is therefore a sensitive site from a historic environment perspective. We acknowledge that there is scope for some redevelopment of the eastern part of the site, employing a layout and design that is more sympathetic to these assets, giving consideration to the urban grain, building heights and styles etc. We therefore welcome the commitment in supporting text at 7.32 to preparing a masterplan/Supplementary Planning Document for the site. However, it remains important that the Plan itself contains a robust policy framework to ensure that it is effective and consistent with national policy.

Paragraph 7.31 states that proposals will need to be informed by the Exeter Views, Density and Heights Study. Consistent with our comments elsewhere in this response, we believe that care is needed in applying the findings of Stage 2. At St Luke's Campus we are concerned about the illustrated massings and we do not consider that there is sufficient evidence that a building of up to 8 storeys would be appropriate in this location (for example how would this impact the set piece of the College/North Cloister and Chapel in views from around Heavitree Road?). We are also concerned about the level of harm shown to the visual connection between the Cathedral and Baring Crescent, with a narrow corridor illustrated that would partially conserve views from the centre of the crescent only. As the aspirational figure of 44,000 sqm referred to in 7.30 appears to have been generated by the Stage 2 report, this should also be reviewed as there is not yet sufficient evidence that this capacity could be accommodated sensitively.

EJ6: New transformational employment allocations (Strategic policy): To ensure a robust policy framework consistent with other strategic sites, and respond appropriately to the evidence base, we consider that additional provisions should be incorporated into the policy itself.

Modifications: Amend supporting text as follows:

"7.31 [underline] There are heritage assets within and around St Luke's Campus, including conservation areas covering much of the surrounding residential area.[underline] Proposals at St Luke's will need to be of a high quality and appropriate in the context of the wider residential area. Proposals will need to demonstrate regard for the environmental and heritage assets on the site and in the surrounding area. Proposals will also need to be informed by the Exeter [underline] Skyline and Views Report [underline] [strikethrough] Views, Density and Heights Study." [strikethrough]

Insert section into EJ6:

St Luke's Campus

Proposals for St Luke's Campus will focus on the eastern portion of the site and will be informed by archaeological and heritage assessment and be guided by a masterplan/Supplementary Planning Document. Proposals should be of high quality, should consider and respond to the environmental and heritage assets on and around the site and important strategic and local views, and should be appropriate within the context of surrounding residential development.

Requested to attend examination?: -

Ref: B-06-07-EJ6a

Representor: National Highways

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ6: New transformational employment allocations (Strategic policy)

Paragraph: -

Site: Land adjacent to Sandy Park, Newcourt (Employment allocation)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Strategic Policy EJ6 seeks to allocate three sites for transformational employment development, including 11 hectares of land on sites adjacent to IKEA and Sandy Park within the Newcourt area, accessed from the A379 to the west of M5 J30. Accessibility from M5 J30 is recognised as an attractive opportunity, but National Highways would expect equivalent access by active and sustainable travel modes to prevent against a reliance on the private motor vehicle. We understand that the Sandy Park site is carried forward from the adopted Local Plan. An application (23/1532/OUT) for up to 158 residential dwellings and up to 17,567sqm of commercial floorspace on the allocation site is currently awaiting determination by Exeter City Council. However, National Highways offered no objection to the application, in part due to evidence of reductions in slip road traffic demand at M5 J30 during the traditional commuter peak hours.

Coupled with employment proposals adjacent to Sandy Park, the Land at Old Rydon Lane site represents a long-standing development ambition for the Newcourt area, with a planning application (reference 14/1451/OUT) for up to 392 dwellings on the site submitted in 2014. Whilst the application is currently awaiting determination by Exeter City Council, National Highways offered no objection and accepted the development would not have an unacceptable impact.

Modifications: [...] Accessibility from M5 J30 is recognised as an attractive opportunity, but National Highways would expect equivalent access by active and sustainable travel modes to prevent against a reliance on the private motor vehicle.

Requested to attend examination?: Yes

Ref: B-06-07-EJ6b

Representor: National Highways

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ6: New transformational employment allocations (Strategic policy)

Paragraph: -

Site: Land adjacent Ikea, Newcourt (Employment allocation)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Strategic Policy EJ6 seeks to allocate three sites for transformational employment development, including 11 hectares of land on sites adjacent to IKEA and Sandy Park within the Newcourt area, accessed from the A379 to the west of M5 J30. Accessibility from M5 J30 is recognised as an attractive opportunity, but National Highways would expect equivalent access by active and sustainable travel modes to prevent against a reliance on the private motor vehicle. We understand that the Sandy Park site is carried forward from the adopted Local Plan. An application (23/1532/OUT) for up to 158 residential dwellings and up to 17,567sqm of commercial floorspace on the allocation site is currently awaiting determination by Exeter City Council. However, National Highways offered no objection to the application, in part due to evidence of reductions in slip road traffic demand at M5 J30 during the traditional commuter peak hours.

Coupled with employment proposals adjacent to Sandy Park, the Land at Old Rydon Lane site represents a long-standing development ambition for the Newcourt area, with a planning application (reference 14/1451/OUT) for up to 392 dwellings on the site submitted in 2014. Whilst the application is currently awaiting determination by Exeter City Council, National Highways offered no objection and accepted the development would not have an unacceptable impact.

Modifications: [...] Accessibility from M5 J30 is recognised as an attractive opportunity, but National Highways would expect equivalent access by active and sustainable travel modes to prevent against a reliance on the private motor vehicle.

Requested to attend examination?: Yes

Ref: C-39-07-EJ6

Representor: The Pratt Group

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ6: New transformational employment allocations (Strategic policy)

Paragraph: -

Site: Land adjacent to Sandy Park, Newcourt (Employment allocation)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our client. [bold]

The Exeter Plan allocates Site 90, land at Rydon Lane as a large scale predominantly residential site. Site 140, land adjacent to Sandy Park is proposed for allocation under policy EJ6 for “transformational” employment uses. Both sites are owned by our Client.

[bold] Policy EJ6 New Transformational Employment Allocations [bold]

Policy EJ6 allocates land adjacent to Sandy Park, adjacent to Ikea and at St Luke’s Campus for “transformational employment” development. (Neither we nor our client fully understands what “transformational employment” is. All employment is “transformational”, surely.)

Our client doesn’t own St Lukes, but the other two sites.

The Economic Development Needs Assessment (2023) notes that Exeter is the main office location in Greater Exeter, but that it has insufficient employment land to meet the forecast demand for both offices and industrial development between 2020-2040. The EDNA suggests demand for 21ha (middle range) of office land versus 4ha of supply and 50ha (middle range) of industrial land versus a supply of 7ha.

The Exeter Plan allocates only 3 sites for “transformational” employment uses amounting to 15.5ha and only two of the five strategic residential-led mixed use allocations include a requirement for new employment provision. Further, despite the omission of North Gate and high performing employment land at Marsh Barton as formal residential-led allocations, their identification as regeneration opportunity areas has the potential to result in a net loss of employment land in Exeter, further worsening the clear and significant employment land supply shortage. Worryingly, despite the well documented demand for “normal” employment development land, neither plan policies nor allocations explicitly encourage, support or allocate land for such “normal” uses.

The Exeter Plan cannot meet the employment needs of Exeter as it fails to make sufficient land available for employment provision, in particular “normal” employment uses. That means “transformational” should be deleted from the policies.

[underline] Site 136, Land adjacent to Ikea, Newcourt (Appendix 3) [underline]

Whilst our client welcomes the allocation of land adjacent to Ikea, in light of the substantial and demonstrable shortfall in “normal” employment land, including for industrial uses, to limit the use of this land to “transformational employment” only is short-sighted. Delivery will be market led. “Transformational” should be deleted from the policies.

[underline] Site 140, Land adjacent to Sandy Park and Site 90, Land at Rydon Lane (Appendix 1) [underline]

The plan should be corrected to show land to the north and south of Old Rydon Lane (Sites 140 and 90) as one allocation for circa 14.5ha of residential development equating to 600 homes and circa 5.5ha of mixed use development equating to 190,000 sq. ft of employment development (not limited to “transformational” employment only), with associated infrastructure, all as per the Masterplans shared with the Council attached as Appendix 2.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [embedded link: https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DC's Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Modifications: The plan should be corrected to show land to the north and south of Old Rydon Lane (Sites 140 and 90) as one allocation for circa 600 homes, circa 190,000 sq. ft of commercial development (not limited to “transformational” employment only) with associated infrastructure in line with the Masterplans submitted to the Council.

In light of the substantial and demonstrable shortfall in “normal” employment land, to limit the use of land to “transformational” employment only is short-sighted because delivery will (and should be) market led, all meaning that “transformational” should be deleted from EJ6 and other related policies.

Requested to attend examination?: Yes

Ref: C-41-07-EJ6

Representor: University of Exeter

Chapter/section of the Exeter Plan: 07 - Economy and jobs

Policy: EJ6: New transformational employment allocations (Strategic policy)

Paragraph: -

Site: St Luke's Campus, Heavitree Road (Employment allocation)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The University welcomes policy EJ6 and the identification of St Luke's Health Campus. The Council will be aware that the University is currently working on a new masterplan for St Luke's Campus. Much work has been undertaken by the University, their advisors and officers of ECC to date in producing a collaborative document to guide new development across the campus in the future.

The University is therefore disappointed to note at supporting paragraph 7.31, that development proposals at St Luke's Campus will need to be informed by the 'Exeter Views, Density and height Study' (December 2024), prepared on behalf of the council by Allies Morrison. This Study forms part of the evidence base underpinning the emerging Exeter Plan however was produced without requesting any prior engagement from the University's St Luke's Masterplan team working with ECC's officers for the past 18 months. Having received the Study as part of the Publication Draft Local Plan in December 2024, this Representations Letter is our first opportunity to offer feedback.

It is considered that the analysis and conclusions of the 'Exeter Views, Density and height Study' has serious shortcomings, undermines much of the work undertaken on the Masterplan to date, failing to take account of the findings of several Design Boards consulted as part of this process. It is the intention of the University to submit comments on the 'Exeter Views, Density and height Study' separately and fully justify its position.

It is therefore strongly requested that all references to the 'Exeter Views, Density and height Study' are deleted in full.

Modifications: [...] It is therefore strongly requested that all references to the 'Exeter Views, Density and height Study' are deleted in full.

Requested to attend examination?: -

Ref: F-01-08-X

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: 08 - Retail and the future of our centres

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: B-03-08-RFC1

Representor: Historic England

Chapter/section of the Exeter Plan: 08 - Retail and the future of our centres

Policy: RFC1: The future of our centres (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: Historic England supports new Policy RFC1 which seeks to protect, enhance and diversity Exeter's centres and promotes enhancement of heritage assets

Modifications: -

Requested to attend examination?: -

Ref: B-06-08-RFC1

Representor: National Highways

Chapter/section of the Exeter Plan: 08 - Retail and the future of our centres

Policy: RFC1: The future of our centres (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Further policies (RFC1 and RFC2) seek to protect and enhance the city centre, district centre and local centres thereby helping to reduce the need to travel, and seek to guard against the provision of town centre uses outside of established centres.

Modifications: -

Requested to attend examination?: Yes

Ref: C-30-08-RFC1

Representor: NT Properties Nominees 1A Ltd and NT Nominees 1B Ltd

Chapter/section of the Exeter Plan: 08 - Retail and the future of our centres

Policy: RFC1: The future of our centres (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Policy RFC1 and Policy RFC2

Policy RFC1 outlines that ECC will work with partners to “protect and enhance the vitality, viability and resilience of the city centre, district centres and local centres” and “a mix of uses and activities” will be supported.

The supporting text and the Policies Map continue to identify St Thomas (including EBRP) as one of only three designated District Centres in the City. The supporting text also identifies that main town centre uses, including retail, will be focused on the city, district and local centres. This continued recognition of St Thomas as a District Centre is both welcomed and strongly support by LGIM.

Draft Policy RFC2 sets out the approach to be taken to retail provision in the mixed-use brownfield allocations and the supporting text (at para. 8.19) states:

“Proposals for larger scale and comparison retail are unlikely to be appropriate in the mixed use brownfield allocations because this type of development will draw customers from a wider area, encouraging longer travel distances and potentially competing with the centres.”

Significantly, EBRP is proposed to become a mixed-use brownfield allocation but also forms part of a defined district centre. Consequently, this approach of resisting large scale and comparison retailing is in direct conflict with other policies within the emerging Local Plan, including draft Policy RFC1, and site allocation SBA4 which requires retaining significant retail provision to be made alongside residential on upper floors. Indeed, the wording of draft Policy RFC1 specifically states:

“Development proposals for convenience retail provision of up to 500 square metres of net sales area will be supported as part of a wider mix of uses in the strategic mixed use brownfield allocations where it is demonstrated that the proposals will minimise the need to travel and provide access in accordance with the transport hierarchy.”

The wording of this policy suggests that at EBRP, which is proposed as a strategic mixed use brownfield allocation, would not be appropriate for convenience retail provision above 500 square metres. Again, such an approach would be at odds with other policies and not reflective that the proposed strategic allocation at EBRP will continue to form part of a defined district centre. As mentioned above, it is important that EBRP is recognised as being different to the other four strategic mixed-use brownfield sites given it is the only strategic mixed-use brownfield that forms part of the retail hierarchy.

As forming part of a wider defined district centre, EBRP provides an entirely appropriate location for retail development, including large-format convenience and comparison retailing. However, the proposed wording to draft Policy RFC2 and its supporting text suggests that, as a strategic mixed use brownfield site, EBRP would **[bold]** not be appropriate for large-format retailing **[bold]**. This approach is not justified or consistent with national policy, and is also in direct conflict with other draft policies in the emerging Local Plan. The NPPF^[7] fundamentally supports focusing retail development within established centres, as too does draft Policy RFC1. The draft Local Plan wording needs to be revised accordingly, and we have suggested amendments below. Again, additional text in bold and underlined.

Paragraph 8.19

“Proposals for larger scale and comparison retail are unlikely to be appropriate in the mixed use brownfield allocations **[bold and underline]**, with the exception of Exe Bridges Retail Park (Site ref. SBA4), **[bold and underline]** because this type of development will draw customers from a wider area, encouraging longer travel distances and potentially competing with the centres.”

Policy RFC2

“**[bold and underline]**With the exception of Exe Bridges Retail Park (ref.SBA4), which forms part of St Thomas district centre,**[bold and underline]** development proposals for convenience retail provision of up to 500 square metres of net sales area will be supported as part of a wider mix of uses in the strategic mixed use brownfield allocations where it is demonstrated that the proposals will minimise the need to travel and provide access in accordance with the transport hierarchy.”

The suggested changes will ensure that the local plan is consistent with the NPPF and other policies within the Local Plan, which seek to focus retail development on defined centres.

[Footnote]

[7] Paragraph 90

Modifications: -

Requested to attend examination?: -

Ref: C-41-08-RFC1

Representor: University of Exeter

Chapter/section of the Exeter Plan: 08 - Retail and the future of our centres

Policy: RFC1: The future of our centres (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University welcomes policy RFC1 and its support for a mix of uses that enhance the vitality, viability and resilience of the city centre, district centres and local centres. The University supports Purpose Built Student Accommodation as an important contribution for delivery of this policy and requests that reference is made to this in the supporting text.

Modifications: -

Requested to attend examination?: No

Ref: D-09-08-RFC1

Representor: RSPB

Chapter/section of the Exeter Plan: 08 - Retail and the future of our centres

Policy: RFC1: The future of our centres (Strategic policy)

Paragraph: 8.2

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: RSPB supports the commitment to bring nature into the urban environment (para 8.2) and to make provision for nature (Policy RFC1 The future of our centres). The pandemic highlighted the importance of access to the natural environment and so ensuring that nature is an integral part of all urban environments is integral to the vision for Exeter's centres. Bringing nature into the urban environment encompasses measures such as retaining and providing nesting sites for birds such as swifts, designing, planting and managing public realm spaces and green infrastructures so they provide habitat for wildlife and so benefit people's mental and physical wellbeing. Such provision for nature is in accordance with the National Planning Policy Framework (December 2024) policies in chapter 15 (eg, para 187d [italic] "incorporating features which support priority or threatened species such as swifts, bats and hedgehogs", [italic] and para 193d improving [italic] "biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate." [italic]

Modifications: -

Requested to attend examination?: No

Ref: B-03-08-RFC2

Representor: Historic England

Chapter/section of the Exeter Plan: 08 - Retail and the future of our centres

Policy: RFC2: Development in, and affecting, our centres (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: We support the requirement within RFC2 that development should 'c. Conserve and enhance the cultural, historic and natural environments of the centres'.

Modifications: -

Requested to attend examination?: -

Ref: B-06-08-RFC2

Representor: National Highways

Chapter/section of the Exeter Plan: 08 - Retail and the future of our centres

Policy: RFC2: Development in, and affecting, our centres (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Further policies (RFC1 and RFC2) seek to protect and enhance the city centre, district centre and local centres thereby helping to reduce the need to travel, and seek to guard against the provision of town centre uses outside of established centres.

Modifications: -

Requested to attend examination?: Yes

Ref: C-16-08-RFC2

Representor: Eutopia Exeter Arches Ltd

Chapter/section of the Exeter Plan: 08 - Retail and the future of our centres

Policy: RFC2: Development in, and affecting, our centres (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: Yes

Comments: [Legal Compliance:]

Draft housing allocation (Ref 163) of 'Mary Arches Multi-Storey and Surface Car Park' is identified on the Proposals Map. It is not clear, but it could be read that a small slither of the site (falling on North Street) is located with a 'primary shopping area'. This is inconsistent with the sites draft allocation for new homes.

This is therefore not consistent with national policy.

[Soundness:]

It does not meet the tests of soundness as set out in para 36 of the NPPF; namely 'consistent with national policy'.

Draft housing allocation (Ref 163) of 'Mary Arches Multi-Storey and Surface Car Park' is identified on the Proposals Map. It is not clear, but it could be read that a small slither of the site (falling on North Street) is located with a 'primary shopping area'. This is inconsistent with the sites draft allocation for new homes.

This is therefore not consistent with national policy.

Modifications: Remove Primary Shopping Area annotation from draft site allocation 163.

Requested to attend examination?: No

Ref: C-21-08-RFC2

Representor: Growen Estates

Chapter/section of the Exeter Plan: 08 - Retail and the future of our centres

Policy: RFC2: Development in, and affecting, our centres (Strategic policy)

Paragraph: 8.14

Site: Land north of Honiton Road, west of Fitzroy Road, south of Myrtlebury Way and east of the Exeter-Exmouth Railway Line

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: Failure to identify land north of Honiton Road, west of Fitzroy Road, south of Myrtlebury Way and east of the Exeter-Exmouth Railway Line as a District Centre (see accompanying Site Location Plan at Annex 1).

The site benefits from planning permission (ref. 19/1461/OUT) for retail and related town centre uses. Neither of the two town centres to serve the Monkerton and Hill Barton Masterplan Area as identified in the Masterplan document have come forward, and the land is not available for those purposes. The site at issue is now the only opportunity to provide local shopping and related facilities for the new community (approximately 2,500 homes) as well as the substantial existing residential and business communities on the east side of Exeter for which there is currently no coherent provision through a town centre.

Allocation of the site for a town centre will therefore reflect the planning permission that has been granted and its intended purpose to deliver a sustainable community on the east side of Exeter.

Whilst the plan purports to have made provision for a small number of new centres, it does not justify the failure to do so for the existing and future communities on the east side of Exeter, and specifically why the subject site that already benefits from planning permission and is intended to serve the existing and future communities, has been omitted.

In the face of an existential threat to bricks and mortar retailing from on-line sales, a much smarter approach to the designation of centres is required if physical retailing is to be delivered and sustained through a policy framework that enables, rather than discourages, investment. There is inertia in the Councils approach to the town centre hierarchy in Exeter which has failed to respond to either current market circumstances or to the citys expansion, in particular the substantial growth of residential and business communities on the east side of Exeter.

Modifications: Designation of the subject site identified on the accompanying site location plan (at Annex 1 as a district centre through inclusion in the list of District Centres at paragraph 8.14.

Consequential amendments to the Policies Map.

Requested to attend examination?: Yes

Ref: C-30-08-RFC2

Representor: NT Properties Nominees 1A Ltd and NT Nominees 1B Ltd

Chapter/section of the Exeter Plan: 08 - Retail and the future of our centres

Policy: RFC2: Development in, and affecting, our centres (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Policy RFC1 and Policy RFC2

Policy RFC1 outlines that ECC will work with partners to “protect and enhance the vitality, viability and resilience of the city centre, district centres and local centres” and “a mix of uses and activities” will be supported.

The supporting text and the Policies Map continue to identify St Thomas (including EBRP) as one of only three designated District Centres in the City. The supporting text also identifies that main town centre uses, including retail, will be focused on the city, district and local centres. This continued recognition of St Thomas as a District Centre is both welcomed and strongly support by LGIM.

Draft Policy RFC2 sets out the approach to be taken to retail provision in the mixed-use brownfield allocations and the supporting text (at para. 8.19) states:

“Proposals for larger scale and comparison retail are unlikely to be appropriate in the mixed use brownfield allocations because this type of development will draw customers from a wider area, encouraging longer travel distances and potentially competing with the centres.”

Significantly, EBRP is proposed to become a mixed-use brownfield allocation but also forms part of a defined district centre. Consequently, this approach of resisting large scale and comparison retailing is in direct conflict with other policies within the emerging Local Plan, including draft Policy RFC1, and site allocation SBA4 which requires retaining significant retail provision to be made alongside residential on upper floors. Indeed, the wording of draft Policy RFC1 specifically states:

“Development proposals for convenience retail provision of up to 500 square metres of net sales area will be supported as part of a wider mix of uses in the strategic mixed use brownfield allocations where it is demonstrated that the proposals will minimise the need to travel and provide access in accordance with the transport hierarchy.”

The wording of this policy suggests that at EBRP, which is proposed as a strategic mixed use brownfield allocation, would not be appropriate for convenience retail provision above 500 square metres. Again, such an approach would be at odds with other policies and not reflective that the proposed strategic allocation at EBRP will continue to form part of a defined district centre. As mentioned above, it is important that EBRP is recognised as being different to the other four strategic mixed-use brownfield sites given it is the only strategic mixed-use brownfield that forms part of the retail hierarchy.

As forming part of a wider defined district centre, EBRP provides an entirely appropriate location for retail development, including large-format convenience and comparison retailing. However, the proposed wording to draft Policy RFC2 and its supporting text suggests that, as a strategic mixed use brownfield site, EBRP would **not be appropriate for large-format retailing**. This approach is not justified or consistent with national policy, and is also in direct conflict with other draft policies in the emerging Local Plan. The NPPF^[7] fundamentally supports focusing retail development within established centres, as too does draft Policy RFC1. The draft Local Plan wording needs to be revised accordingly, and we have suggested amendments below. Again, additional text in bold and underlined.

Paragraph 8.19

“Proposals for larger scale and comparison retail are unlikely to be appropriate in the mixed use brownfield allocations **and underline**, with the exception of Exe Bridges Retail Park (Site ref. SBA4), **and underline** because this type of development will draw customers from a wider area, encouraging longer travel distances and potentially competing with the centres.”

Policy RFC2

“**and underline**With the exception of Exe Bridges Retail Park (ref.SBA4), which forms part of St Thomas district centre,**and underline** development proposals for convenience retail provision of up to 500 square metres of net sales area will be supported as part of a wider mix of uses in the strategic mixed use brownfield allocations where it is demonstrated that the proposals will minimise the need to travel and provide access in accordance with the transport hierarchy.”

The suggested changes will ensure that the local plan is consistent with the NPPF and other policies within the Local Plan, which seek to focus retail development on defined centres.

[Footnote]

[7] Paragraph 90

Modifications: The draft Local Plan wording needs to be revised accordingly, and we have suggested amendments below. Again, additional text in bold and underlined.

Paragraph 8.19

“Proposals for larger scale and comparison retail are unlikely to be appropriate in the mixed use brownfield allocations **and underline**, with the exception of Exe Bridges Retail Park (Site ref. SBA4), **and underline** because this type of development will draw customers from a wider area, encouraging longer travel distances and potentially competing with the centres.”

Policy RFC2

“**and underline**With the exception of Exe Bridges Retail Park (ref.SBA4), which forms part of St Thomas district centre,**and underline** development proposals for convenience retail provision of up to 500 square metres of net sales area will be supported as part of a wider mix of uses in the strategic mixed use brownfield allocations where it is demonstrated that the proposals will minimise the need to travel and provide access in accordance with the transport hierarchy.”

The suggested changes will ensure that the local plan is consistent with the NPPF and other policies within the Local Plan, which seek to focus retail development on defined centres.

Requested to attend examination?: -

Ref: D-06-08-RFC2a

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 08 - Retail and the future of our centres

Policy: RFC2: Development in, and affecting, our centres (Strategic policy)

Paragraph: 8.11

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: ECS suggests to add Gandy Street to the primary shopping area, as its independent shops are as important as those in Fore Street or Queen Street which are listed.

Modifications: The list in 8.11 should read: 'High Street, Princesshay, Fore Street, Queen Street, Gandy Street and Sidwell Street.'

Requested to attend examination?: No

Ref: D-06-08-RFC2b

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 08 - Retail and the future of our centres

Policy: RFC2: Development in, and affecting, our centres (Strategic policy)

Paragraph: 8.14

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The list of local centres has 'Topsham Road - Countess Wear' and 'Countess Wear'. Does this refer to two different plots of shops and if so, can this be made more specific?

ECS is surprised that three large (former out of town) retail centres which are now surrounded by homes are not listed under 'Local centres'; they now have an increased function for the local community, which is demonstrated by the diversification of business in these three plots. The Moor Exchange site on Honiton Road will serve a similar function and it would make sense to add this to.

Modifications: Clarify the Countess Wear entries in the 'Local centres' listing.

Add to the 'Local centres' list: Tesco/Rydon Lane, Stone Lane, Pinhoe Hoard area, Moor Exchange.

Requested to attend examination?: No

Ref: D-09-08-RFC2

Representor: RSPB

Chapter/section of the Exeter Plan: 08 - Retail and the future of our centres

Policy: RFC2: Development in, and affecting, our centres (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: RFC2 Development in and affecting our centres (Strategic policy)

RSPB supports this as making the best use of city, district and local centres will be more sustainable (eg, enabling more local access/reduced travel to various facilities). We support the embedded commitment to conserve and enhance the natural environment of centres as part of this. Nature-rich greenspaces contribute to people's mental and physical wellbeing. Retaining existing and planting new street and other trees and maximising the use of green roofs and 'green' landscaping all help mitigate the 'heat island' issue of city centres and other intensively built up areas, and will be increasingly important as the climate changes.

Modifications: -

Requested to attend examination?: No

Ref: A-01-09-X

Representor: Devon County Council

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Highways and Transport (including public transport)

Over the course of the plan process, Devon County Council has been in broad agreement with the content of the transport element of the plan and ongoing discussions have led to changes enabling further alignment with the county council's vision.

Overall, Devon County Council supports Exeter City Council's vision for sustainable transport, aiming to minimise car use while promoting active travel and public transport. This aligns with several of Devon County Council's strategies, including the emerging Local Transport Plan 4. Our goal is to provide an integrated, accessible transport system where walking, cycling, and public transport are the most attractive forms of local travel, enabling at least 50% of Exeter trips to be wheeled, walked, or cycled to work or education by 2040.

A key aspiration of the county council is to maximise the opportunities in development planning to utilise road space effectively, bringing about broader improvements in sustainable mobility and placemaking and providing opportunities to contribute towards the delivery of the Local Cycling and Walking Infrastructure Plan (LCWIP) routes. We consider that the Exeter Plan appropriately supports and links to Exeter's LCWIP strategy.

Modifications: -

Requested to attend examination?: -

Ref: B-06-09-X

Representor: National Highways

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: It is an objective of the Plan to deliver development in appropriate locations with high quality infrastructure to minimise the need to travel, maximise sustainable transport and support emerging forms of mobility to improve health, placemaking and to support Net Zero. We are supportive of the 'Vision' and Plan objectives, and will continue to work with the City Council and other stakeholder authorities to ensure that the safe and efficient operation of the SRN for longer-distance travel and freight is not compromised by future employment provision in the city fringe.

Modifications: -

Requested to attend examination?: Yes

Ref: D-03-09-X

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Whilst nature is touched upon, clear targets for incorporating biodiversity into active travel routes is needed throughout this chapter.

Modifications: Whilst nature is touched upon, clear targets for incorporating biodiversity into active travel routes is needed throughout this chapter.

Requested to attend examination?: -

Ref: D-06-09-X

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: ECS misses a policy for a 'Last Mile Delivery Plan'. In ECC's 'Net Zero Exeter 2030' there is a desire to introduce a 'last mile' delivery system, particularly to the city centre to stop the use of articulated vehicles entering the city centre. Delivery vehicles are a critical part of commerce but emit significant levels of pollutants. In addition, there has been a significant increase in small/courier vans delivering goods ordered from on-line companies. Could these deliveries be made by electric vehicle or cargo bikes? Include plans for Delivery Hubs, as outlined in the Exeter Civic Society's [italic] Prospectus for the Redevelopment of the Wider Water Lane Area [italic] (Chapter 3.1). This aspiration of the Net Zero Plan cannot be reached without having a policy here in the Exeter Plan.

Modifications: ECS suggests something along these lines:

'STC10 Last Mile Delivery Plan

All major developments need to introduce a 'last mile' delivery plan, including local delivery hubs and the use of less pollutant vehicles like electric vehicles or cargo-bikes.'

Requested to attend examination?: Yes

Ref: G-08-09-X

Representor: Emma Townsend

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: Overall, this chapter does not support a car free lifestyle. The need to be able to access public transport during day and night plus safe routes for active travel is key. Residents of the new low car neighbourhoods should not be forced to buy a car because they move in and the promised safe cycle routes are not in place. The plan is not sound as the supporting investment and ambition in public transport and active travel is not committed and confirmed by DCC.

Modifications: See other comments made.

Requested to attend examination?: No

Ref: B-02-09-STC1

Representor: Environment Agency

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC1: Sustainable movement (Strategic policy)

Paragraph: Bullet f

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Bullet f: We support the reference to 'significantly increasing provision for electric vehicles and enabling provision of mobility hubs' inline with our climate change remit.

Modifications: -

Requested to attend examination?: -

Ref: B-03-09-STC1

Representor: Historic England

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC1: Sustainable movement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: We support the principle of 'i. Maintaining the transport function of the Exeter Ship Canal', which is part of the city's cultural heritage.

Modifications: -

Requested to attend examination?: -

Ref: B-06-09-STC1

Representor: National Highways

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC1: Sustainable movement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The Plan highlights the role which Exeter plays as a gateway to the national transport network. Draft Strategic Policy STC1 (Sustainable Movement) sets out a series of outcomes required to support the objective to be a Net Zero city by 2030 and to support the sustainable growth and accessibility of Exeter and the wider area. Outcomes include ensuring safe travel, and the protection and enhancement of the function of Exeter as a strategic rail, bus/coach, road and air hub through investment in critical infrastructure and improvements to sustainable connections to these hubs. Given the identified outcomes of the policy, it is suggested that reference could also be made to the delivery of the Greater Exeter Transport Strategy.

Modifications: [...] Given the identified outcomes of the policy, it is suggested that reference could also be made to the delivery of the Greater Exeter Transport Strategy.

Requested to attend examination?: Yes

Ref: B-08-09-STC1

Representor: Network Rail

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC1: Sustainable movement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: With regards to tackling climate change and supporting sustainable travel, we would encourage ECC to support proposals from the rail industry to replace diesel trains with modern, lower emission/battery-electric trains in the region.

Modifications: With regards to tackling climate change and supporting sustainable travel, we would encourage ECC to support proposals from the rail industry to replace diesel trains with modern, lower emission/battery-electric trains in the region.

Requested to attend examination?: -

Ref: C-03-09-STC1

Representor: Anne Codner

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC1: Sustainable movement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: In the same way as our response to draft Policy CC1 and the pathway to net zero by 2030, whilst we support the principle of this draft policy, we consider draft Policy STC1 to be unsound.

Modifications: We therefore encourage the Council to rework this draft Policy to acknowledge that targets will be dictated by national Government and up to date building regulations, rather than local policy.

Requested to attend examination?: Yes

Ref: C-15-09-STC1

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC1: Sustainable movement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Please read in the context of comments above in response to draft Policy CC1 regarding pathway to net zero by 2030.

Modifications: -

Requested to attend examination?: Yes

Ref: C-25-09-STC1

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC1: Sustainable movement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: In the same way as the response to draft Policy CC1 and the pathway to net zero by 2030, whilst Morgan Real Estate support the principle of this draft policy, draft Policy STC1 is considered to be unsound.

Modifications: Morgan Real Estate therefore encourage the Council to rework this draft Policy to acknowledge that targets will be dictated by national Government and up to date building regulations, rather than local policy.

Requested to attend examination?: Yes

Ref: C-40-09-STC1

Representor: TT Group

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC1: Sustainable movement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: In the same way as the response to draft Policy CC1 and the pathway to net zero by 2030, whilst TT Group support the principle of this draft policy, draft Policy STC1 is considered to be unsound.

Modifications: TT Group therefore encourage the Council to rework this draft Policy to acknowledge that targets will be dictated by national Government and up to date building regulations, rather than local policy.

Requested to attend examination?: -

Ref: C-41-09-STC1

Representor: University of Exeter

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC1: Sustainable movement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University supports policy STC1 and the sustainable outcomes it seeks in relevant planning decisions. The range of outcomes align with the University's own sustainable travel strategies in supporting and providing for active travel and public transport and reducing private car use.

Modifications: -

Requested to attend examination?: No

Ref: D-06-09-STC1a

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC1: Sustainable movement (Strategic policy)

Paragraph: 9.6 and 9.11 / glossary

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: STC1d) lists 'walking, cycling, wheeling'. 9.6. has only '(walking and wheeling)'. 9.11 has 'to walk, wheel'. All three modes of active travel should be named in all three places.

ECS suggests to include 'wheeling' in the Glossary, as it comes with a very specific meaning, which lay people may not understand.

Modifications: 9.6, ECS suggests: '(walking, cycling and wheeling).

9.11, ECS suggests: 'for people to walk, cycle, wheel'.

Glossary: add 'Wheeling'

Requested to attend examination?: No

Ref: D-06-09-STC1b

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC1: Sustainable movement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: STC1e) ECS suggests two clarifications: What does 'throughout the day' mean? Does it refer to day light hours only? Or is the meaning wider? And is it really in ECCs realistic reach to say 'Achieving' the named standards of public transport, or should it better read 'Supporting'?

STC1i) ECS thinks the transport function does not only relate to the Exeter Ship Canal, but also to the Exe river.

Modifications: STC1e) Make changes according to the decisions taken. Add a timescale.

STC1i) It should read: 'Maintaining the transport function of the Exeter Ship Canal and Exe river; and'

Requested to attend examination?: No

Ref: D-09-09-STC1

Representor: RSPB

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC1: Sustainable movement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: RSPB supports this sustainable transport policy that will help achieve net-zero.

We would like to highlight that, in relation to water-borne transport, it will be necessary to ensure that there are no adverse impacts on the Exe Estuary SSSI/SPA that cannot be adequately mitigated.

Modifications: -

Requested to attend examination?: No

Ref: F-02-09-STC1

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC1: Sustainable movement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: Some of the policy measures outlined in the strategic policy are not consistent (not effective), weak (not justified) or vague (not effective), in supporting the policy goal set out in the preamble to the measures.

Clause a) [bold] Spatial strategy [bold]

Delivering on the [bold] spatial strategy [bold] by supporting development in locations which [italic] 'minimise the need to travel' [italic] does not consider NPPF para 108 in the round; and is vague e.g. minimise whose need to travel? and could undermine other policies in the Plan (e.g. health and activity).

The emphasis on the spatial strategy on brownfield sites first is a focus for new development that intensifies development and provides for. and attracts large numbers of people in the city centre (wider) area where active travel is easier [1]. This reduces the need for [underline] private motorised car use and trip length, [underline] co-location of facilities is possible, highway routes can be safeguarded and connections to public transport are easier. The adopted approach to implementing the spatial strategy should, however, more explicitly define as a policy principle, the [italic] Avoid-Shift-Improve [italic] [2] approach for integrated, inter-modal and balanced approaches to achieve sustainable, low carbon travel and transport. This approach is shown to be effective in reducing carbon emissions [3].

The policy and spatial strategy does not recognise or address the [bold] risk of transport related social exclusion [bold] which is a limit on the sustainable and inclusive growth of the city and effectiveness of policy STC 1 and the Liveable Exeter principles. [italic] "Transport-related social exclusion (TRSE) means that transport issues have a fundamental impact on everyday life and limit the ability to fulfil everyday needs. This could mean being unable to access childcare or good job opportunities, facing poverty and financial hardship because of transport costs, or facing significant stress and anxiety from using the transport system as part of everyday life. [4]". [italic]

[Exeter Plan Allocations Map]

A comparison can be made between the Exeter Plan spatial map and map showing the transport related social exclusion risk in Exeter. The policy set out in b) is modified by 'where appropriate' which undermines the overarching policy, meaning these areas are likely to remain excluded as there will be a reduced expectation to provide the appropriate measures set out in b.

[TRSE risk within Local Authority Districts Map]

A few of the areas in these strategic sites and HEELA overlay with these areas of TRSE, for example Topsham near the M5 (sites 91-94 for instance) which has [italic] "TRSE in this neighbourhood is [bold] 102% above [bold] the average for Exeter. This is based on access to key destinations, transport inequalities, and vulnerability to social exclusion. Compared with [bold] Exeter as a whole, this neighbourhood has:[bold] Access challenges: 78% above average [5]" [italic]

A number of areas which have also been approved for development and included in the housing supply numbers, but are yet to be developed are in other high risk areas including land in Beacon Heath/Mincinglake (red area to North) and land surrounding Exwick to the West.

The policy should therefore place an emphasis on enabling transport inclusion in the design and delivery of transport and travel plans and infrastructure and connection to key services such as schools. For example the proposed bus routes in policy STC4 are all linear into and out of the city.

There is no orbital route around the city which for example might connect Exwick to West Exe School and many areas to St James School or the employment area at Pynes Hill. Travelling in and out of the city on more than one bus is prohibitive.

It is noted that paragraph (e) [bold] public transport network [bold]

- is doubtful that is effective as it cannot be achieved by the city council, since there are no realistic planning / development demonstrated in the policy. Achievement can only be delivered by the bus and rail operators, the local transport authority (Devon CC). The Councils have a track record of failure to cooperate in this regard in relation to the development and delivery of the BSIP. For instance the planned improvements to bus lanes have failed to be delivered.
- This clause is weak with a lack of focus on improving the bus infrastructure for example shift to Electric buses and improving bus shelter and information systems to improve the user experience and development of services in areas of spatial exclusion.
- There is no mention of the importance of integration between public transport modes and enhancing infrastructure to improve access for instance supporting disability access at St Thomas or Polsloe stations and improving infrastructure at bus/rail interchanges.
- Exeter is the epicentre of a significant travel to work area, however this is not mentioned in the strategic policy, it just mentions 'key destinations' through the day'. Explicit reference is required for a coherent and integrated public transport plan to enable resilient mass transit and link and rider in order to reduce burdens on the highways networks as a result of development within and beyond the city.

The policy does not mention a coherent and coordinated approach to parking management across the city, only in relation to individual developments. Currently there are different tariffs and parking management zones and approaches to parking management across the city which on the current basis will undermine the strategic policy objective of STC1. Such an approach would accord with NPPF para. 111

Development and delivery of the BSIP as the two Councils have failed to work effectively together to deliver the plan to date.

[Footnotes]

[1] [Embedded link: <https://exeter.gov.uk/media/ltmlcaww/2016-future-of-transport-scenario-planning-workshops.pdf>]

[2] [Embedded link: <https://slocat.net/>]

[3] [Embedded link: https://unfccc.int/sites/default/files/resource/202202251552---SLOCAT%20Transport%20and%20Climate%20Change%20Global%20Status%20Report_Global%20Overview.pdf]

[4] [Embedded link: <https://data.transportforthenorth.com/portal/apps/storymaps/stories/f9763ffd85544332b84fc48aa0e9b0b4>]

[5] [Embedded link: <https://data.transportforthenorth.com/portal/apps/dashboards/8f9bd18c92c94bb3bee01ed9f2f66f77>]

Modifications: Amend (amendments in bold) to improve soundness and deliverability of policy objectives:

- a. Delivering on the spatial strategy by supporting development in locations which [bold] minimise the need for travel in particular motorised trips based on proximity and accessibility to facilities, services and employment, enable a modal shift to public transport and active travel and improve the infrastructure and efficiency of transport modes and routes. [bold]
- b. Supporting the transport hierarchy by maximising walking, cycling, wheeling and public transport for the majority of everyday journeys and enabling low-car development [strikethrough] where appropriate [strikethrough];
- c.
- d. Supporting a healthy, active city [bold] and reduces transport related social exclusion [bold] through the transport hierarchy by delivering a prioritised and integrated network of active, inclusive travel links to provide coherent, direct, safe, comfortable and attractive routes for walking, cycling, wheeling, [bold] public transport [bold] and emerging modes;
- e. Achieving a reliable, low carbon, frequent and attractive standard of public transport within the city, to [strikethrough] and to key [strikethrough] [bold] destinations elsewhere beyond the city and [form part of a wider Link and Ride/Devon Metro service] [bold] throughout the day;

Add to improve soundness and deliverability of policy objectives:

[bold] k. achieve a consistent and coherent approach to parking management across the city. [bold]

Requested to attend examination?: -

Ref: G-08-09-STC1

Representor: Emma Townsend

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC1: Sustainable movement (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: STC1e - public transport only 'throughout the day'. ONS data for 2021-22 shows that 40,000 people in Exeter (42%) have night-time jobs (7pm to 7am). This policy does not support the night-time economy and undermines the aspirations of Liveable Exeter. Residents who need to travel for night-time work will need a car if public transport and active travel networks are not available at night. Therefore, they cannot live in the strategic allocations where there is very limited private car parking provided.

Modifications: STC1e - remove reference to 'throughout the day'

Requested to attend examination?: No

Ref: B-03-09-STC2

Representor: Historic England

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC2: The transport hierarchy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: We support the policy provision that 'Highway enhancements will only be supported when they do not cause unacceptable harm to the local natural, built or historic environments'

Modifications: -

Requested to attend examination?: -

Ref: B-06-09-STC2

Representor: National Highways

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC2: The transport hierarchy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The recognition of the potential need for physical improvements to the capacity of the highway network is an important element of draft Strategic Policy STC2 (The Transport Hierarchy) and is welcomed by National Highways. The draft policy advises that highway enhancements will only be supported where they do not cause unacceptable harm to the local natural, built or historic environments, and where they are necessary to improve highway safety, reduce car journeys, or where severe impacts cannot be avoided by investment in active and sustainable travel.

National highways will continue to work with the FEMA authorities to ensure that the highway impacts of planned development growth are managed as far as practicable through the delivery of active and sustainable travel measures to avoid severe or unacceptable impact on the SRN in line with policy set out in the DfT Circular and NPPF. Where a need for new highway infrastructure is identified as essential, then National Highways will work with the planning authorities and Devon County Council to seek to ensure that necessary infrastructure delivery keeps pace with development build out. We recommend this approach should inform future reviews of the Local Plan and should be reflected in references to monitoring transport outcomes and managing the future impacts of cumulative development.

Policy STC2 goes on to advise that contributions towards additional or improved transport provision will be sought where necessary. We recommend that supporting text should again make reference to the Greater Exeter Transport Strategy. With the Transport Strategy still being developed, there remains uncertainty over funding requirements. Whilst it is recognised that the IDP lists funding sources for currently identified transport improvements, there may well be a need to seek new funding. A commitment to seek funding from external sources where necessary would provide reassurance that identified measures are capable of being delivered and that the financial burden on development will not adversely impact on the provision of wider services and facilities.

Modifications: [...] [bold] We recommend [bold] this approach should inform future reviews of the Local Plan and should be reflected in references to monitoring transport outcomes and managing the future impacts of cumulative development.

[...] [bold] We recommend [bold] that supporting text should again make reference to the Greater Exeter Transport Strategy.

Requested to attend examination?: Yes

Ref: C-03-09-STC2

Representor: Anne Codner

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC2: The transport hierarchy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: In the same way as our response to draft Policy CC1 and the pathway to net zero by 2030, whilst we support the principle of this draft policy, we consider draft Policy STC2 to be unsound.

Modifications: We therefore encourage the Council to rework this draft Policy to acknowledge that targets will be dictated by national Government and up to date building regulations, rather than local policy.

Requested to attend examination?: Yes

Ref: C-15-09-STC2

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC2: The transport hierarchy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Please read in the context of comments above in response to draft Policy CC1 regarding pathway to net zero by 2030.

Modifications: -

Requested to attend examination?: Yes

Ref: C-25-09-STC2

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC2: The transport hierarchy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: In the same way as the response to draft Policy CC1 and the pathway to net zero by 2030, whilst Morgan Real Estate support the principle of this draft policy, draft Policy STC2 is considered to be unsound.

Modifications: Morgan Real Estate therefore encourage the Council to rework this draft Policy to acknowledge that targets will be dictated by national Government and up to date building regulations, rather than local policy.

Requested to attend examination?: Yes

Ref: C-40-09-STC2

Representor: TT Group

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC2: The transport hierarchy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: In the same way as the response to draft Policy CC1 and the pathway to net zero by 2030, whilst TT Group support the principle of this draft policy, draft Policy STC2 is considered to be unsound.

Modifications: TT Group therefore encourage the Council to rework this draft Policy to acknowledge that targets will be dictated by national Government and up to date building regulations, rather than local policy.

Requested to attend examination?: -

Ref: C-41-09-STC2

Representor: University of Exeter

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC2: The transport hierarchy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University supports policy STC2 and the approach it advocates. This aligns with the University's own sustainable travel strategies in supporting and providing for active travel, public transport, electric vehicles, and car free development (where appropriate).

Modifications: -

Requested to attend examination?: No

Ref: D-03-09-STC2

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC2: The transport hierarchy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: [italic] 'Highway enhancements will only be supported when they do not cause unacceptable harm to the local natural, built or historic environments'. [italic] This needs to be reframed. Highway enhancements should only be supported when they result in positive gains for the local natural environment.

Modifications: [...] This needs to be reframed. Highway enhancements should only be supported when they result in positive gains for the local natural environment.

Requested to attend examination?: -

Ref: D-06-09-STC2

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC2: The transport hierarchy (Strategic policy)

Paragraph: 9.6 and 9.11 / glossary

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: STC1d) lists 'walking, cycling, wheeling'. 9.6. has only '(walking and wheeling)'. 9.11 has 'to walk, wheel'. All three modes of active travel should be named in all three places.

ECS suggests to include 'wheeling' in the Glossary, as it comes with a very specific meaning, which lay people may not understand.

Modifications: 9.6, ECS suggests: '(walking, cycling and wheeling).

9.11, ECS suggests: 'for people to walk, cycle, wheel'.

Glossary: add 'Wheeling'

Requested to attend examination?: No

Ref: D-09-09-STC2

Representor: RSPB

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC2: The transport hierarchy (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: RSPB supports policy STC2 The transport hierarchy.

Any highways enhancements should be accompanied by an Ecological Impact Assessment where relevant (eg, if habitats or species may be affected) with any necessary mitigation applied. Statutorily protected nature conservation site should not be impacted by any highways enhancements.

Modifications: -

Requested to attend examination?: No

Ref: H-11-09-STC3

Representor: Anonymous

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC3: Supporting active travel (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: -

Requested to attend examination?: -

Ref: A-03-09-STC3

Representor: Mid Devon District Council

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC3: Supporting active travel (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: We support the inclusion of reference to the ~Boniface Trail in clause a) of Policy STC3.

This is consistent with Policy T2 Crediton to Exeter Cycle Path in the 'made' Crediton Neighbourhood Plan, proposed route reference E18 in the adopted Exeter Local Cycling and Walking Infrastructure Plan (LCWIP) January 2024, proposed Route 6 - Boniface Trail in the consultation draft Devon Countywide LCWIP September 2024 and Section 11: Our action plan for Exeter measure for feasibility investigations of initial sections of Boniface Trail in the Devon Local Transport Plan 4 Consultation Draft October 2024. This supports the soundness of this part of the plan through being justified.

Modifications: -

Requested to attend examination?: No

Ref: B-03-09-STC3

Representor: Historic England

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC3: Supporting active travel (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: We support a number of the provisions within Policy STC3 including the principle of addressing severance caused by the road network (which also impacts the experience of heritage assets such as the Old Exe Bridge), and of considering potential to reflect and reinstate historic street patterns in the design and provision of active travel routes.

Modifications: -

Requested to attend examination?: -

Ref: B-06-09-STC3

Representor: National Highways

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC3: Supporting active travel (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Strategic Policy STC3 (Supporting Active Travel) seeks to encourage the use of active travel. The policy advises that the City Council will support improvements to the active travel network by addressing severance challenges associated with the SRN. Integrating active travel infrastructure with new employment opportunities delivered beyond the city boundary will be important to minimise out-commuting by car. National Highways would expect to be actively involved in any proposals that involve works to the SRN.

Modifications: [...] National Highways would expect to be actively involved in any proposals that involve works to the SRN.

Requested to attend examination?: Yes

Ref: B-08-09-STC3

Representor: Network Rail

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC3: Supporting active travel (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Network Rail are supportive of the aspiration to see the extension of a comprehensive active travel network, linking to railway stations.

Modifications: [...] We would encourage ECC to engage with train operators on opportunities to enhance space for bikes on new/refurbished trains as and when these are introduced.

Requested to attend examination?: -

Ref: B-11-09-STC3

Representor: Sport England

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC3: Supporting active travel (Strategic policy)

Paragraph: 9.19

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: [bold Active design [bold]

Para 9.19 Active Design referenced. Active Design will help improve health and well-being as well as addressing climate change and promoting active travel – more walking and cycling.

This has considerable understanding with the Plan including design and a liveable city.

Modifications: Sport England would encourage development in Exeter be designed in line with the Active Design principles to secure sustainable design. This could be evidenced by use of the Active Design checklist.

Requested to attend examination?: -

Ref: C-07-09-STC3

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC3: Supporting active travel (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Policy STC3 (Supporting active travel) requires major development proposals to:

[Italic] "Provide secure, enclosed parking or storage which can accommodate cycles, electric bikes, cargo bikes, adapted cycles, push chairs, mobility scooters and wheelchairs."

The Client objects to this requirement based on the below points:

1. The current policy wording means that the provision of such storage is a blanket requirement across all major development and does not take into consideration how different types of development may require different provisions.
2. For example, a PBSA development will not require storage for push chairs and mobility scooters in the same way a C3 residential development would, due to the nature of the accommodation provided and the typical age range of occupiers (approximately 18-25).
3. PBSA is also likely to require lower levels of wheelchair and adapted cycle storage as students who require accessible provision are likely to be catered for by universities themselves in accommodation on or directly adjacent to campuses to reduce the distance the student needs to travel.
4. Neither the Policy nor the supporting text provide any evidence to justify the onerous blanket requirement for larger storage spaces across all types of development.
5. Experience across the PBSA sector shows that the uptake of standard cycle parking spaces is low and often significantly below council standards. Therefore, the overprovision of standard parking spaces is already an issue in PBSA developments and results in the unnecessary loss of additional PBSA bedrooms and amenity space. As a result, additional requirement for even larger storage spaces will only exacerbate the space lost to parking and storage which could instead be used to cater for growing demand for student bedspaces and greater amenity space for occupiers.

Modifications: [bold] Recommendation: [bold] The Client recommends that the wording of Policy STC3 is amended to clarify that the required level of storage for these larger items is dependent on the type of development. For example, push chair and mobility scooter storage should not be required from PBSA.

Requested to attend examination?: Yes

Ref: C-41-09-STC3

Representor: University of Exeter

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC3: Supporting active travel (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University supports partnership working to prioritise and improve the existing active travel network in the city. The University will be interested to work with the City Council should specific improvements be sought within or in the vicinity of its landholdings, where the University may have a potential role in delivery or might provide advice about proposals.

Modifications: -

Requested to attend examination?: No

Ref: D-02-09-STC3

Representor: Devon Countryside Access Forum

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC3: Supporting active travel (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The policy to support active travel (STC3) is supported. The reference in f) to supporting "links with the city to public rights of way and other routes which provide access to the surrounding rural areas" is welcomed.

Modifications: -

Requested to attend examination?: No

Ref: D-03-09-STC3

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC3: Supporting active travel (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Sustainable transport links offer an excellent opportunity to create connectivity through the landscape. [italic] 'Major development proposals must:' [italic] – an additional point should be included here. All new active travel routes must demonstrate how ecological connectivity through the landscape will be created. This could include strips of wildflower grassland alongside the travel route, and planters, hanging baskets and shrub beds created in suitable locations along the route.

Modifications: [...] [italic] 'Major development proposals must:' [italic] – an additional point should be included here. All new active travel routes must demonstrate how ecological connectivity through the landscape will be created. This could include strips of wildflower grassland alongside the travel route, and planters, hanging baskets and shrub beds created in suitable locations along the route.

Requested to attend examination?: -

Ref: D-09-09-STC3a

Representor: RSPB

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC3: Supporting active travel (Strategic policy)

Paragraph: 9.20

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: RSPB supports the stated commitment to provide lighting that facilitates more and safer active travel but is designed, located and operated to ensure no adverse effects on wildlife (eg, bats).

Modifications: -

Requested to attend examination?: No

Ref: D-09-09-STC3b

Representor: RSPB

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC3: Supporting active travel (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: RSPB supports policy STC3 Supporting active travel because it will help achieve net zero, reduce airborne pollution and improve people's health. We recommend that all new active travel routes should be designed and maintained to retain/enhance biodiversity (including avoiding adverse impacts on designated nature conservation sites, having pre-construction ecological assessments where necessary and putting in place mitigation such as designing/locating/operating artificial lighting to enable safety for people but avoiding adverse impacts on wildlife, such as bats.

Modifications: -

Requested to attend examination?: No

Ref: G-08-09-STC3a

Representor: Emma Townsend

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC3: Supporting active travel (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: STC3 - this section does not include any reference to the timing of the provision of active travel connections or public transport for strategic developments. From the first occupant, this needs to be available otherwise the underlying principle of car free living is undeliverable.

Modifications: STC3 - add 'active travel connections and public transport to be in place for the first occupant' for the Strategic development site (Liveable Exeter).

Requested to attend examination?: No

Ref: G-08-09-STC3b

Representor: Emma Townsend

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC3: Supporting active travel (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: Previous improvements, such as Marsh Barton railway Station, have not been accompanied by improved signage on the nearby cycling network. This has reduced the potential benefit from the investment.

Modifications: Add 'Improve existing and provide new signage on the existing active travel network to improve the connectivity of local transport hubs and local services. '

Requested to attend examination?: No

Ref: G-08-09-STC3c

Representor: Emma Townsend

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC3: Supporting active travel (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: Cycle routes along waterways are not a guaranteed route every day, especially along the Exe flood relief channel. Climate change is increasing the intensity of rainfall and surface and river flooding is predicted to increase. Safe active travel routes need to be climate change proof and available every day. This is critical to support the car free aspirations of Liveable Exeter.

Modifications: Add - for active travel routes located within flood zones 1, 2 and 3 for fluvial flooding and surface water flooding, provide a safe, alternative signposted route.

Requested to attend examination?: No

Ref: A-03-09-STC4

Representor: Mid Devon District Council

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC4: Supporting public transport (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: The inclusion of the provision "The City Council will support the enhancement of rail provision in the city: b. By supporting continued delivery of the Devon Metro programme including at least half hourly frequencies on rail lines into Exeter" is welcomed and supported, recognising the need for a sustainable means of travel and interconnectivity between Exeter and neighbouring local authority areas.

This supports the soundness of this part of the plan through being positively prepared.

Modifications: -

Requested to attend examination?: No

Ref: B-06-09-STC4

Representor: National Highways

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC4: Supporting public transport (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Strategic Policy STC4 (Supporting Public Transport) commits the City Council to work with other authorities and stakeholders to support public transport. A number of routes are referred to, including cross boundary services to Exeter Airport. [bold] We recommend [bold] that additional reference is made to cross-boundary service provision and the outcomes of the Greater Exeter Transport Strategy. Car-borne travel by Exeter residents to employment in areas such as Peamore (within Teignbridge) and the Exeter & East Devon Enterprise Area (largely within East Devon) has the potential to adversely impact the SRN. An integrated and ambitious approach is required to deliver a comprehensive public transport offering for these areas and new development that may come forward in the East Devon plan.

Modifications: [...] [bold] We recommend [bold] that additional reference is made to cross-boundary service provision and the outcomes of the Greater Exeter Transport Strategy. Car-borne travel by Exeter residents to employment in areas such as Peamore (within Teignbridge) and the Exeter & East Devon Enterprise Area (largely within East Devon) has the potential to adversely impact the SRN. An integrated and ambitious approach is required to deliver a comprehensive public transport offering for these areas and new development that may come forward in the East Devon plan.

Requested to attend examination?: Yes

Ref: B-08-09-STC4

Representor: Network Rail

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC4: Supporting public transport (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Network Rail welcome the aspirations, which we share, for improved service frequencies on lines into Exeter and to Digby & Sowton; accessibility improvements at the city's stations; and supporting the development of rail freight in the city. We would note the increased role that Digby & Sowton station can play in moving people sustainably into the city and beyond if/when the proposed new East Devon town is developed.

Modifications: [...] Network Rail would welcome additional details from Exeter Council on what is envisaged by improved interchange facilities at St David's station.

Requested to attend examination?: -

Ref: C-03-09-STC4

Representor: Anne Codner

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC4: Supporting public transport (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: We endorse the principle of supporting development that is well served by public transport, however, we object to this draft Policy as written for the following reasons.

Firstly, the draft Policy sets out a series of requirements for developments of one hundred homes or more. In relation to this paragraph:

- There does not appear to be any justification for why these requirements apply at a threshold of 100 dwellings.
- There is no consideration of the viability and/or feasibility of accommodating “new local multimodal transport hubs and interchanges”. Nor is there any provision for this not being required if similar facilities already exist or are deemed not necessary or desirable.

In the absence of justification, these requirements should be removed.

Secondly, the final paragraph states that “Contributions will be sought toward new or improved public transport services and/or infrastructure in the city ...”, which indicates that contributions will be sought from all developments. This fails to acknowledge:

- The need for any planning obligations to be meet the limitations set out in s122 of the Community Infrastructure Levy Regs; and
- The role of CIL in delivering strategic infrastructure, separate to s106 contributions.

This does not accord with legislation and must therefore be amended.

Modifications: To positively remedy the issues raised above, the draft Policy wording should be amended as follows [proposed additional text shown underlined; proposed deleted text shown in strikethrough]:

[italic] [strikethrough] “Large scale development proposals of one hundred homes or more and major commercial development must:

- a. Be located where high quality public transport is or can be provided through developer contributions;

b. Deliver appropriately located bus stops with raised kerbs for inclusive bus access, high quality shelters and real time information and, where appropriate, suitable routes for bus priority; and

c. c. Provide new local multi-modal transport hubs and interchanges making best use of existing bus, rail and walking and cycling routes. [italic] [strikethrough]

[italic] Contributions, [underline] subject to meeting the tests set out in the Community Infrastructure Levy Regulations, and / or CIL may [underline] [strikethrough] will [strikethrough] be sought towards new or improved public transport services and/or infrastructure in the city, appropriately phased to provide high quality travel options early in the development balanced with efficiently supporting the long term future of the service.” [italic]

The changes proposed above would remedy the issues of legislative compliance and lack of justification, making the draft Policy sound.

Requested to attend examination?: Yes

Ref: C-07-09-STC4

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC4: Supporting public transport (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The wording of Policy STC4 (Supporting public transport) is as follows:

[Italic] Large scale development proposals of one hundred homes or more and major commercial development must:

- a. Be located where high quality public transport is or can be provided through developer contributions;
- b. Deliver appropriately located bus stops with raised kerbs for inclusive bus access, high quality shelters and real time information and, where appropriate, suitable routes for bus priority; and
- c. Provide new local multi-modal transport hubs and interchanges making best use of existing bus, rail and walking and cycling routes. [italic]

The Client objects to the current wording of this part of the Policy for the following reasons:

- The current wording of this Policy is onerous as it requires the delivery of bus stops and local multi-modal transport hubs from all large scale developments.
- This does not allow for flexibility based on the Site's individual location and characteristics which may favour the provision of select highways/transport improvements over others.

Modifications: [bold] Recommendation: [bold] The Client therefore requests that greater flexibility is added to Policy STC4, with the above list provided as suggested or encouraged highways/transport improvements as opposed to required.

Requested to attend examination?: Yes

Ref: C-15-09-STC4

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC4: Supporting public transport (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: Edenstone endorse the principle of supporting development that is well served by public transport, however, they object to this draft Policy as written for the following reasons.

Firstly, the draft Policy sets out a series of requirements for developments of one hundred homes or more. In relation to this paragraph:

- There does not appear to be any justification for why these requirements apply at a threshold of 100 dwellings.
- There is no consideration of the viability and/or feasibility of accommodating “new local multimodal transport hubs and interchanges”. Nor is there any provision for this not being required if similar facilities already exist or are deemed not necessary or desirable.

In the absence of justification, these requirements should be removed.

Secondly, the final paragraph states that [italic] “Contributions [underline] will [underline] be sought toward new or improved public transport services and/or infrastructure in the city ...”, [italic] which indicates that contributions will be sought from [underline] all [underline] developments. This fails to acknowledge:

- The need for any planning obligations to be meet the limitations set out in s122 of the Community Infrastructure Levy Regs; and
- The role of CIL in delivering strategic infrastructure, separate to s106 contributions.

This does not accord with legislation and must therefore be amended.

Modifications: To positively remedy the issues raised above, the draft Policy wording should be amended as follows:

[strikethrough/red]“Large scale development proposals of one hundred homes or more and major commercial development must:

- a. Be located where high quality public transport is or can be provided through developer contributions;
- b. Deliver appropriately located bus stops with raised kerbs for inclusive bus access, high quality shelters and real time information and, where appropriate, suitable routes for bus priority; and

c. Provide new local multi-modal transport hubs and interchanges making best use of existing bus, rail and walking and cycling routes. ~~[strikethrough/red]~~

Contributions [underline/green] , subject to meeting the tests set out in the Community Infrastructure Levy Regulations, and / or CIL may [underline/green] ~~[strikethrough/red]~~ will ~~[strikethrough/red]~~ be sought towards new or improved public transport services and/or infrastructure in the city, appropriately phased to provide high quality travel options early in the development balanced with efficiently supporting the long term future of the service.”

The changes proposed above would remedy the issues of legislative compliance and lack of justification, making the draft Policy sound.

Requested to attend examination?: Yes

Ref: C-25-09-STC4

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC4: Supporting public transport (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Whilst Morgan Real Estate support the principle of supporting development that is well served by public transport, they object to this draft Policy as written for the following reasons.

Firstly, the draft Policy sets out a series of requirements for developments of one hundred homes or more. In relation to this paragraph:

- There does not appear to be any justification for why these requirements apply at a threshold of 100 dwellings.
- There is no consideration of the viability and/or feasibility of accommodating “new local multimodal transport hubs and interchanges”. Nor is there any provision for this not being required if similar facilities already exist or are deemed not necessary or desirable.

In the absence of justification, these requirements should be removed.

Secondly, the final paragraph states that “Contributions [underline] will [underline] be sought toward new or improved public transport services and/or infrastructure in the city ...”, which indicates that contributions will be sought from [underline] all [underline] developments. This fails to acknowledge:

- The need for any planning obligations to be meet the limitations set out in s122 of the Community Infrastructure Levy Regs; and
- The role of CIL in delivering strategic infrastructure, separate to s106 contributions.

This does not accord with legislation and must therefore be amended.

Modifications: [...]

In the absence of justification, these requirements should be removed.

[...]

This does not accord with legislation and must therefore be amended.

To positively remedy the issues raised above, the draft Policy wording should be amended as follows:

~~“Large scale development proposals of one hundred homes or more and major commercial development must:~~

- a. Be located where high quality public transport is or can be provided through developer contributions;
- b. Deliver appropriately located bus stops with raised kerbs for inclusive bus access, high quality shelters and real time information and, where appropriate, suitable routes for bus priority; and
- c. Provide new local multi-modal transport hubs and interchanges making best use of existing bus, rail and walking and cycling routes. ~~”~~

Contributions subject to meeting the tests set out in the Community Infrastructure Levy Regulations, and / or CIL may ~~will~~ be sought towards new or improved public transport services and/or infrastructure in the city, appropriately phased to provide high quality travel options early in the development balanced with efficiently supporting the long term future of the service.”

The changes proposed above would remedy the issues of legislative compliance and lack of justification, making the draft Policy sound.

Requested to attend examination?: Yes

Ref: C-40-09-STC4

Representor: TT Group

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC4: Supporting public transport (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: Whilst TT Group support the principle of supporting development that is well served by public transport, they object to this draft Policy as written for the following reasons.

Firstly, the draft Policy sets out a series of requirements for developments of one hundred homes or more. In relation to this paragraph:

- There does not appear to be any justification for why these requirements apply at a threshold of 100 dwellings.
- There is no consideration of the viability and/or feasibility of accommodating “new local multimodal transport hubs and interchanges”. Nor is there any provision for this not being required if similar facilities already exist or are deemed not necessary or desirable.

In the absence of justification, these requirements should be removed.

Secondly, the final paragraph states that “Contributions [underline] will [underline] be sought toward new or improved public transport services and/or infrastructure in the city ...”, which indicates that contributions will be sought from [underline] all [underline] developments. This fails to acknowledge:

- The need for any planning obligations to be meet the limitations set out in s122 of the Community Infrastructure Levy Regs; and
- The role of CIL in delivering strategic infrastructure, separate to s106 contributions.

This does not accord with legislation and must therefore be amended.

Modifications: [...]

In the absence of justification, these requirements should be removed.

To positively remedy the issues raised above, the draft Policy wording should be amended as follows:

[~~Large scale development proposals of one hundred homes or more and major commercial development must:~~]

- a. Be located where high quality public transport is or can be provided through developer contributions;
- b. Deliver appropriately located bus stops with raised kerbs for inclusive bus access, high quality shelters and real time information and, where appropriate, suitable routes for bus priority; and
- c. Provide new local multi-modal transport hubs and interchanges making best use of existing bus, rail and walking and cycling routes. ~~[strikethrough/red]~~

Contributions [underline/green], subject to meeting the tests set out in the Community Infrastructure Levy Regulations, and / or CIL may [underline/green] ~~[strikethrough/red]~~ will ~~[strikethrough/red]~~ be sought towards new or improved public transport services and/or infrastructure in the city, appropriately phased to provide high quality travel options early in the development balanced with efficiently supporting the long term future of the service.”

The changes proposed above would remedy the issues of legislative compliance and lack of justification, making the draft Policy sound.

Requested to attend examination?: -

Ref: C-41-09-STC4

Representor: University of Exeter

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC4: Supporting public transport (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University supports partnership working to improve the public transport network in the city. It is noted that some of the identified provision connects to, passes through or skirts past the University's campuses and landholdings in the city. The University will be interested to work with the City Council should specific improvements be sought where the University may have a potential role in delivery or advice about proposals.

Modifications: -

Requested to attend examination?: No

Ref: D-06-09-STC4

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC4: Supporting public transport (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: -

Comments: 1 In relation to the section “The City Council will support bus and coach provision through service, infrastructure and vehicle improvements”, the city council has no control over services and vehicles (see our comment on policy STC1). On infrastructure improvements points a-d only point c has been achieved. The others have been brought forward as traffic regulation proposals but have failed to progress - in part or at all - because councillors on the joint city and county council traffic orders committee have consistently backed down in the face of local opposition.

The list does only list routes into the city, but not major ones across the city.

2 In relation to the section “The City Council will support the enhancement of rail provision in the city”, point b is meaningless. The city council has no levers over the frequency of rail services, which are constrained by, inter alia, track capacity (Network Rail) and availability of rolling stock and drivers (train operating companies).

On both these points the policy fails the Justified and Effective tests.

Modifications: As for the section “The City Council will support bus and coach provision”: the introductory sentence needs to read “The City Council will support bus and coach provision through infrastructure improvements, seeking local public support for each of the following:”

Add a point: “i. Consideration of major public transport routes across the city”

As for the section ‘The City Council will support enhancement of rail provision in the city’: rewrite point b, with: b.” Facilitate where possible plans by the local transport authority and rail service providers to deliver the Devon Metro programme [...].”

Requested to attend examination?: No

Ref: D-09-09-STC4

Representor: RSPB

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC4: Supporting public transport (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: RSPB supports this policy as it will contribute towards the ambition to achieve net zero.

Modifications: -

Requested to attend examination?: No

Ref: H-12-09-STC4

Representor: Anonymous

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC4: Supporting public transport (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: Not all residents wish to walk or cycle; some cannot anyway. There is no coherent proposal for an integrated public transport system as an alternative to car usage. Furthermore, where is the new population of Exeter city centre going to park their vehicles, especially in light of reduced number of pay and display parks proposed?

See [the response to survey question] 2.b.

Modifications: Modifications should be based on [the response to survey question] 2.b. above. I am not prepared to suggest suitable wording - this is an ECC job.

See [the response to survey question] 2.c.

Requested to attend examination?: No

Ref: D-06-09-STC5

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC5: Supporting more sustainable forms of car use

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: This added Policy is very welcome, but it does not cover parents' car journeys to and from schools and what incentives ECC can encourage through working with the highway authority to increase active travel and thereby reduce this very substantial amount of daily car journeys.

Modifications: Add a new paragraph:

'Much of the private car traffic in the city are journeys to and from schools and the council will work with the local highway authority to encourage alternative school transport options, including active travel options, public transport and incentives (for example awards for most improved schools in reducing car transport, or cheaper/free bus costs for school children).'

Requested to attend examination?: Yes

Ref: D-09-09-STC5

Representor: RSPB

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC5: Supporting more sustainable forms of car use

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: RSPB supports policy STC5 Supporting more sustainable forms of car use, especially the focus on enabling car-free/low car-use developments etc as a means to progress towards net zero.

Modifications: -

Requested to attend examination?: No

Ref: F-01-09-STC5

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC5: Supporting more sustainable forms of car use

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: The preamble to Policy STC5 does not deal with the issue of emergency vehicles; carers; health visitors; medical professionals; social workers or others who need to use their cars and to park in the vicinity of the address they are visiting.

Modifications: The following should be added to Policy STC5 - paragraph 4 so that the paragraph reads: specific provision must be made in major developments for loading, unloading and deliveries together with sufficient provision for emergency vehicles; carers; health visitors; medical professionals; social workers or other professionals.

Requested to attend examination?: Yes

Ref: B-06-09-STC6

Representor: National Highways

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC6: Travel plans

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Strategic Policy STC6 (Travel Plans) requires that all development proposals which generate significant transport impacts should be accompanied by a Travel Plan. It is noted that the adopted wording differs from that set out in paragraph 118 of the NPPF, which refers to development that will generate [italic]“...significant amounts of movement...”[italic]. [bold] We recommend [bold] that the policy wording be amended to refer to significant movements rather than significant impacts given the emphasis on planning for active travel and non-car travel.

Policy STC6 goes on to advise that [italic]“Travel Plan measures should be included in an action plan and delivered by the developer or through financial contributions”[italic]. This is welcomed, but the policy contains no reference to monitoring the outcomes of the Travel Plan. [bold] We recommend [bold] that the policy should be strengthened to include a commitment to monitor the travel outcomes of development in line with paragraph 118 of the NPPF, particularly where this may impact on subsequent decisions in respect of transport improvements. The monitoring of transport outcomes is a key requirement for National Highways given the adoption of a vision-led approach and uncertainty over future requirements for highway improvements.

Modifications: [...] [bold] We recommend [bold] that the policy wording be amended to refer to significant movements rather than significant impacts given the emphasis on planning for active travel and non-car travel.

[...] [bold] We recommend [bold] that the policy should be strengthened to include a commitment to monitor the travel outcomes of development in line with paragraph 118 of the NPPF, particularly where this may impact on subsequent decisions in respect of transport improvements. The monitoring of transport outcomes is a key requirement for National Highways given the adoption of a vision-led approach and uncertainty over future requirements for highway improvements.

Requested to attend examination?: Yes

Ref: D-06-09-STC6

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC6: Travel plans

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: STC6c) ECS questions whether 'travel information', which could just be bus time tables, would be sufficient to minimise car travel in a new development. We would like to set the standard a bit higher, by suggesting 'live travel information'.

Modifications: StC6c) Change into: 'd. The provision of live travel information;'.

Requested to attend examination?: No

Ref: G-08-09-STC6

Representor: Emma Townsend

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC6: Travel plans

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: Travel plans should include a review period to assess the success of measures and a renewal with improved measures if objectives are not delivered.

Modifications: For strategic sites and employment areas over x ha, travel plans to be reviewed within 5 years, informed by monitoring and reference to objectives set. Additional mitigation measures to be implemented if objectives not achieved.

Requested to attend examination?: No

Ref: B-06-09-STC7

Representor: National Highways

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC7: Safeguarding transport infrastructure (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Strategic Policy STC7 (Safeguarding Transport Infrastructure) identifies a series of sites, routes, and structures safeguarded for future transport infrastructure. It is noted that the IDP identifies improvements at the A30 Ide roundabout and for the A376 Alphington Road entering the city. Work undertaken by Teignbridge Council identified a potential need to widen the Alphington Road to ease queuing back to the A30 Trunk Road. [bold] We recommend [bold] that Exeter City Council confirm whether land adjoining the Alphington Road corridor should also be safeguarded to accommodate any potential future physical widening.

Modifications: [...] We recommend [bold] that Exeter City Council confirm whether land adjoining the Alphington Road corridor should also be safeguarded to accommodate any potential future physical widening.

Requested to attend examination?: Yes

Ref: G-08-09-STC7

Representor: Emma Townsend

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC7: Safeguarding transport infrastructure (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: The previous draft of this plan included the safeguarding of the disused railway line across Marsh Barton for active travel. Although no longer a strategic allocation, the plan does allow for proposals to come forwards. This disused railway line needs to be protected.

Modifications: Add 'safeguard disused railway line across Marsh Barton for active travel '

Requested to attend examination?: No

Ref: A-03-09-STC8

Representor: Mid Devon District Council

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC8: Motorway service area (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: We support the inclusion of the sentence which states "This would require collaboration between National Highways, Devon County Council and neighbouring local planning authorities".

This supports the soundness of this part of the plan through being positively prepared.

Modifications: -

Requested to attend examination?: No

Ref: B-06-09-STC8

Representor: National Highways

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC8: Motorway service area (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Strategic policy STC8 (Motorway Service Area) gives support to the principle of redeveloping the existing Motorway Service Area (MSA) adjacent to M5 J30 for employment use, subject to the provision of an appropriate replacement. As the redevelopment of the site for employment use has not informed ongoing traffic modelling work the proposal would need to be supported by a full traffic assessment at a future point in time, to demonstrate any additional impacts and associated infrastructure needs not previously accounted for as part of the Greater Exeter Transport Strategy. [bold] We also recommend [bold] that the policy be strengthened to confirm that a suitable replacement MSA would need to be identified and open to traffic prior to any redevelopment.

Modifications: [...] As the redevelopment of the site for employment use has not informed ongoing traffic modelling work the proposal would need to be supported by a full traffic assessment at a future point in time, to demonstrate any additional impacts and associated infrastructure needs not previously accounted for as part of the Greater Exeter Transport Strategy. [bold] We also recommend [bold] that the policy be strengthened to confirm that a suitable replacement MSA would need to be identified and open to traffic prior to any redevelopment.

Requested to attend examination?: Yes

Ref: C-03-09-STC9

Representor: Anne Codner

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC9: Digital communications (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: In the same way as our response to draft Policy CC1 and the pathway to net zero by 2030, whilst we support the principle of this draft policy, we consider draft Policy STC9 to be unsound.

Modifications: We therefore encourage the Council to rework this draft Policy to acknowledge that targets will be dictated by national Government and up to date building regulations, rather than local policy.

Requested to attend examination?: Yes

Ref: C-15-09-STC9

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC9: Digital communications (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Please read in the context of comments above in response to draft Policy CC1 regarding pathway to net zero by 2030.

Modifications: -

Requested to attend examination?: Yes

Ref: C-25-09-STC9

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC9: Digital communications (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: In the same way as the response to draft Policy CC1 and the pathway to net zero by 2030, whilst Morgan Real Estate support the principle of this draft policy, draft Policy STC9 is considered to be unsound.

Modifications: Morgan Real Estate therefore encourage the Council to rework this draft Policy to acknowledge that targets will be dictated by national Government and up to date building regulations, rather than local policy.

Requested to attend examination?: Yes

Ref: C-40-09-STC9

Representor: TT Group

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC9: Digital communications (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: In the same way as the response to draft Policy CC1 and the pathway to net zero by 2030, whilst TT Group support the principle of this draft policy, draft Policy STC9 is considered to be unsound.

Modifications: TT Group therefore encourage the Council to rework this draft Policy to acknowledge that targets will be dictated by national Government and up to date building regulations, rather than local policy.

Requested to attend examination?: -

Ref: C-41-09-STC9

Representor: University of Exeter

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC9: Digital communications (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University supports policy STC9 and the commitment to enabling a step-change in digital communications. The University agrees that digital infrastructure is one of the essential utilities for inclusion in all major new development and already ensures that this is addressed in its own development.

Modifications: -

Requested to attend examination?: No

Ref: D-09-09-STC9

Representor: RSPB

Chapter/section of the Exeter Plan: 09 - Sustainable transport and communications

Policy: STC9: Digital communications (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: RSPB supports improved provision of digital communication and connectivity as part of reducing commuter traffic and so helping achieve net zero. We welcome the commitment to ensure that associated development and infrastructure will need to avoid adverse impacts on the natural environment.

Modifications: -

Requested to attend examination?: No

Ref: D-03-10-X

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The number and breadth of policies provided within this section are weak and fail to meet the challenges faced by the natural environment. Significant reworking of this section is required in order to bring it in line with current consideration of the environment and other Local Plans across the county.

Modifications: [bold] Additional policy requirements [bold]

We consider that policies relating to the natural environment which have been included within the plan are 'light touch'. A number of critical policies are missing which are required in order to ensure that protection and enhancement of biodiversity throughout the city is achieved.

It is unfortunate to note that delivery of high quality survey, mitigation and compensation can be hampered by the quality of the ecologist involved in the project. It is the responsibility of the LPA to use the Local Plan as a mechanism to ensure that the highest standards of ecological work are met during development undertaken within the city. A stand-alone policy is required which sets out exactly what is required to complete an Ecological Impact Assessment which is of a sufficient standard to ensure that potential ecological impacts, mitigation and compensation measures are properly considered throughout the planning process. Given the existing burden on both planning and biodiversity officers, which has increased exponentially following enactment of the Environment Act 2021, it is essential that the fundamentals of ecological assessment are delivered by a suitably qualified ecological consultant. If this is not the case, planning officers need clear guidance provided within the Local Plan which enables them to demand that an acceptable standard of ecological assessment is delivered within every application. This policy should include details of the mitigation hierarchy, the precautionary principle, best practice and CIEEM guidelines. Consideration should also be given to the inclusion of a stand-alone policy for protected, notable and invasive species.

Biodiversity Net Gain requires a stand-alone policy. Given the legislative requirement to deliver a minimum of 10% net gain, and the complexity of delivery of this condition of planning, we would expect to see additional details included within any Local Plan.

The Local Nature Recovery Strategy (LNRS) should be given a stand-alone policy. Again, given the level of detail required to support successful delivery of the strategic objectives required by the LNRS, we would expect this information to be included within any Local Plan.

[bold] Additional points [bold]

The impact of development and activity in Exeter is felt locally and further afield, including in the freshwater and marine environment. In view of the large-scale expansion of Exeter recently and over the life of this plan, and the judicial reviews that have taken place around deteriorating condition of water environment Natura2000 sites, we strongly recommend the council put in place ambitious and robust measures to protect and enhance the water environment impacted by the city.

DWT would like to see Exeter become a pesticide-free city by 2030 and therefore recommends inclusion of policies within the Local Plan to achieve this. Pesticides are highly carbon-intensive and have disastrous impacts on nature, both on target and non-target species and at a whole landscape scale. The impact on invertebrates, including insects, has been well documented. DWT is keen to support ECC in making the city pesticide-free.

Requested to attend examination?: -

Ref: D-09-10-X

Representor: RSPB

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: -

Paragraph: Natural Environment Vision and Objective

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: RSPB supports the commitment to protect and enhance the natural environment, including the Valley Parks.

However, there was no specific mention of the Exe Estuary – this is given the highest level of statutory protection for its nature conservation value (SSSI, SPA) nor of the nearby East Devon Heathlands (SSSI, SPA and SAC. It is critical that the new Local Plan recognises the need to ensure new development etc does not result in adverse impacts that cannot be adequately mitigated, or, in the last resorted, compensated for.

The RSPB considers that the objective should include mention of the Exe Estuary and the East Devon Heathlands (for reasons explained above). It is critical that the Exeter Plan ensures that these SPA/SAC sites are protected and that adequate mitigation (eg, via the South East Devon Habitats Mitigation Strategy) continues because there will inevitably be an increase in the recreational use of these sites arising from the increase in residential development proposed in this Exeter Plan.

Modifications: The RSPB recommends specific mention of the SPA/SAC sites, and includes a commitment in the Objective to ensure that the existing protected sites and biodiversity are protected and enhanced.

Requested to attend examination?: No

Ref: F-01-10-X

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: A-04-10-NE1

Representor: Teignbridge District Council

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.5

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: 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.

Modifications: To add flexibility to the types of development permitted within the Landscape Setting Areas, so it does not prevent sustainable development either within or adjacent to the city.

Requested to attend examination?: No

Ref: B-02-10-NE1

Representor: Environment Agency

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: c bullet 7

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

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

Modifications: -

Requested to attend examination?: -

Ref: B-03-10-NE1

Representor: Historic England

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: 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.

Modifications: Add the following sentence to paragraph 10.5:

"[underline] In addition to the Landscape Sensitivity Assessment, the Exeter Skyline and Views Report identifies some views of particular importance (see Chapter 11).[underline]"

Requested to attend examination?: -

Ref: B-07-10-NE1

Representor: Natural England

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: 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.

Modifications: -

Requested to attend examination?: -

Ref: C-01-10-NE1

Representor: 1 Energy (Exeter Energy Limited)

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: Water Lane Policy SBA1 and Policy NE1 Landscape Setting Areas & NE2 Valley Parks

Grace Road Playing Field is identified as disused, and majority of the Water Lane allocation was identified as part of the Exeter Local Plan First Review for development. The site of the proposed Energy Centre is in a highly sustainable location and can provide the energy network required within the policy.

[Figure 1: Location of Grace Road Playing Fields]

The supporting policy map includes our client's site within the strategic mixed use brownfield allocation in policy SBA1. As part of this allocation, limb "G" identifies that a requirement for an energy strategy that minimises carbon emissions both operational and embodied, and incorporates renewable and low energy generation that helps to deliver, and connect to, local energy networks.

Through policy SBA1 supporting proposals for an energy centre in this location, it will allow the requirement towards net zero to be significantly met, not just for Water Lane but also for Exeter.

To support this aspiration, the policy references the Liveable Exeter SPD, where it is recognised that the site is an energy, nature and wildlife opportunity. The Exeter Energy Centre will meet these criteria by providing a facility which will benefit the City in its desire to be net zero, and provide 20% biodiversity net gain.

Overall, the policy is supportive of renewable proposals, however, this must also be considered against the other policies of the plan because the site is within the Valley Park and landscape setting of the city. When these policies are considered against one another, it is clear that there are policy conflicts between each other.

Conflicts of policy

It is considered that there are conflicts of policy between the proposed policies, the Liveable Exeter SPD and the adherence to the Ludwell Valley Masterplan in policy NE2.

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.

In examining the location of an energy centre, other sites have been examined and deemed unacceptable. The inclusion of the site at Grace Road, Marsh Barton within the allocation will not set any kind of precedent for development within the Park because it has long been anticipated as having a future use, it is land surplus to requirements, is visibly contained, is directly adjacent the energy from waste building, and in a location which can make good use of surrounding infrastructure. It will not therefore undermine the landscape designation.

We are therefore supportive of aspects of policy [bold] NE1 [bold] 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.

[underline] However, [underline] policy [bold] NE2 [bold] identifies that development proposals which are contrary to the Ludwell Valley Park Masterplan will not be permitted. This is not legally compliant because it gives legal weight to a [bold] Ludwell Valley Masterplan [bold] which not endorsed for Development Management Purposes.

[Figure 2: Wording of NE2]

The Council themselves have approved development which is contrary to the Plan for a solar farm on a site envisaged as a BMX track (see figure 3 below).

[Figure 3: Extract from Exeter Masterplan]

Furthermore, there are clear conflicts between the requirements of policy NE2 and the proposed policy SBA1 which allocates the site as a part of a strategic mixed use brownfield allocation, and, gives weight to the Liveable Exeter DPD which was 'made' in 2024.

[Figure 4: Proposed policy SBA1 – Water Lane]

The Liveable Exeter Supplementary Planning Document lists at Policy [bold] S15 [bold] a number of alternative uses for the site at Grace Road including BNG habitat bank, woodland creation, recreational area, wildlife hub, canal Basin/marina, [bold] energy centre [bold], allotments and solar farm.

[Figure 5: Policy S15 Liveable Exeter]

The Masterplan therefore limits the use of the site to a potential campsite and festival space.

The policies do not therefore align with one another, and there is therefore a distinct conflict between the requirement to adhere to the Masterplan and the requirements of a 'made' document and the proposed policies and uses for the site contained within the new Local Plan.

Given the status of the Masterplan, the position of the SPD and proposed policy SB1A, and the evident conflict between uses envisaged for Grace Road, it is therefore unreasonable to require that development proposals must adhere to the Masterplan.

This requirement will prevent alternative development advocated and supported by policies within a made document and other policies emerging out of the local plan and the new NPPF 2024 from coming forward and being found acceptable.

Modifications: -

Requested to attend examination?: Yes

Ref: C-09-10-NE1

Representor: Co-owners of land to the south of Woolsgrove House

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As suggested so as to avoid repeat representations, I write on behalf of the 8 co-owners of land to the south of Woolsgrove House, Church Hill Pinhoe EX4 9JG, known as Site 36 in the HELAA.

[image]

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.

Site location plan

[image]

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.

[image]

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

[image]

See

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.

[image]

Modifications: 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.

[image]

Requested to attend examination?: Yes

Ref: C-31-10-NE1

Representor: Salter Property Investments Ltd

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: 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.

Modifications: Either:

A) Delete Policy NE1 which is a local landscape restraint designation that has no locus in current national policy and remove all designations from the Policies Map;

Or:

B) Amend Policy NE1 to be positively worded to permit development within the landscape setting areas unless it would cause severe and unacceptable harm; and

C) Amend the landscape setting designation to the south east of Topsham to remove the land between Monmouth Street, Bowling Green Road and Mount Howe that is also included within the Topsham Conservation Area.

Requested to attend examination?: Yes

Ref: C-36-10-NE1

Representor: Taylor Wimpey

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: 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.

Modifications: To overcome our concerns, it is recommended that further evidence be provided in relation to landscape setting. This should consider if and how parts of the landscape are sufficiently above the ordinary to warrant being identified as a valued landscape in the context of the NPPF. The policies map would require subsequent amendments to solely include areas which can justifiably be identified as being 'above the ordinary'. Based upon the evidence already submitted by our client this would exclude the area on Land at Attwells' Farm, Exwick, Exeter.

Requested to attend examination?: -

Ref: C-41-10-NE1

Representor: University of Exeter

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: 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.

Modifications: -

Requested to attend examination?: No

Ref: C-42-10-NE1

Representor: Vistry Group

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: 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.

Modifications: Policy NE1 should be deleted as it is not justified and is inconsistent with national policy.

Requested to attend examination?: Yes

Ref: C-43-10-NE1

Representor: Waddeton Park Limited

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: 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.

Modifications: Policy NE1 should be deleted as it is not justified and is inconsistent with national policy.

Requested to attend examination?: Yes

Ref: D-03-10-NE1

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: 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.

Modifications: [...] 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.

Requested to attend examination?: -

Ref: D-09-10-NE1

Representor: RSPB

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.5

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

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

Modifications: -

Requested to attend examination?: No

Ref: E-02-10-NE1

Representor: St Leonards Neighbourhood Association

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.1

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: Exeter City Council's failure to process to St Leonards Neighbourhood Association's request to designate part of the grounds of County Hall as a Local Green Space.

There is no laid down procedure or form for making an application to designate a piece of land as a Local Green Space, different Local Authorities have their own procedures, it seems that ECC doesn't. In early September 2024, during the development of the draft Local Plan, the St Leonards Neighbourhood Association (SLNA) asked the ECC what information they required in order to consider the designation of a piece of land as an LGS. It was not until the end of October that a response was received asking for 'clarification of the extent of the land in question', this information had already been sent, but in the mean time the SLNA carried out research into LGS criteria and, on the 28th October, furnished ECC with information as to how the County Hall Grounds fulfilled the criteria, (document attached see below). On the 19th November ECC responded, saying that as the final draft document had to be completed by the 12th December and 'what little staff there are, are working at full capacity' the request would not be evaluated at this time. The SLNA were advised to make representations in the Regulation 19 consultation period and the representations would be forwarded to the Independent Planning Inspector. We believe that our request would have given enough information and time to decide on an LGS designation and that, in this case, having to make a Regulation 19 request is evidence of UNSOUND processes. However, as a request for Local Green Space designation can only be made when a Local Plan is being drafted, we are pleased that this representation can be made and we trust and hope that the inspector can recommend our request for inclusion.

Document attached (LGS application 28/10/24 - as referenced above) - Should this document become separated from this representation form it can be found at:-

<https://www.dropbox.com/scl/fi/1orm7qcu1ddi1bq0fv9ng/LETTER-TO-ECC-re-LGS-application-28-10-24.pdf?rlkey=ops3j2tcd9x78tdvh76z8rskj&dl=0&dTHIS>

REPRESENTATION, ALONG WITH TWO OTHERS FROM THE ST LEONARDS NEIGHBOURHOOD ASSOCIATION MADE AT THE SAME TIME, IS SUPPORTED BY OVER 260 RESIDENTS AND USERS OF THE COUNTY HALL GROUNDS. NAMES AND EMAIL ADDRESSES CAN BE SUPPLIED ON REQUEST.

Modifications: To consider the request of the St Leonards neighbourhood Association to designate the grounds of County Hall (as shown in the attached document) as a Local Green Space.

Requested to attend examination?: No

Ref: G-01-10-NE1

Representor: Andrew McNinch

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.4

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: I spent 4 years of my childhood in Exton in the 1950s and remember Topsham from those days. After many years away I returned to Devon (Woodbury) with my wife and family and, in 1986, we came to Topsham where we remain. We love the town and surrounding countryside. I never forget how fortunate I am to have the river views, fields, trees and nature all around me - I have made full use of them myself and, as an RSPB volunteer pre-COVID, I enjoyed introducing adults and children to birdwatching.

Access to nature in any way is hugely beneficial to us in many ways - it is proven scientifically and was especially apparent during COVID. We need nature and, threatened in so many ways as it is, nature needs us. Working for the RSPB I met so many people who enjoyed watching the birds, learning about them, drawing them etc, finding that many had come long distances to experience Topsham's birds from the hide or a birdwatching cruise, and enjoy the town itself. But I particularly enjoyed meeting those, particularly children and teenagers, who came to the hide simply out of curiosity but expressing no particular interest in birds or nature - if they looked through my telescope at a common migrant bird like a wigeon and learned that it was a winter visitor from Scandinavia, or a bar-tailed godwit and learned that some of the same species nest in Alaska and fly non-stop, day & night over the sea (without landing, feeding or drinking) for 18,000 miles to New Zealand, they can barely believe it. They might be lucky and see hundreds of birds in front of the hide suddenly all take off as one, as if a shot has been fired - and perhaps see the peregrine falcon fly through the panicked birds; or I could focus them onto a group of waders apparently sleeping 20 yards away, pointing out that each bird opens an eye at regular intervals and turns a little to one side or the other to scan for danger from the sky or land. Or they might see fox cubs under the railways embankment or an otter in the gully across the field. These moments can trigger an interest which can become long-term and life enhancing.

This small area of land which is threatened with development is a really important site for nature of all sorts - birds, butterflies, insects, trees - and a peaceful area for people to encounter and enjoy it. I think it would be tragic, for nature and for the many people who enjoy it every day, for it to be lost under development.

Modifications: -

Requested to attend examination?: -

Ref: G-03-10-NE1

Representor: Chris Setter

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.4

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: LP21 Adjoining the nationally important bowling Green Marsh Nature Reserve. Particularly given its elevation and disturbance could affect the water and waterside birds use of the marsh as a high tide refuse. For detailed advice please consult the RSPB.

Modifications: -

Requested to attend examination?: No

Ref: G-04-10-NE1

Representor: Denise Foudy

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.4

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: Re 4 (a)

I support Policy NE1: Landscape setting (Strategic policy) particularly in relation to the setting of Topsham and in relation to 'Land parcel number LP21, part of which is known locally as Mays Field, and part is the Goat Walk open space.

We have only lived in Topsham for a year, and we really appreciate being able to walk from our house to such a pleasant space and being able to walk our dog without having to get in the car and drive somewhere suitable. It was one of the amenities that attracted us to Topsham and as we start thinking about retirement and getting older, we would be very sorry to lose this.

As we have got to know Topsham and Exeter, we have been very impressed by the number of housing developments that have been fitted into the area in recent years. The council has done an excellent job in providing much needed new housing. They seem for the most part to be settlements in their own right and not abutting already dense housing areas such as we have in Topsham, and they are attractive in their locations.

Land parcel LP21 does not seem to us to be such a space. The well thought out Landscape setting policy is the right policy to apply to this location. Aside from the already dense housing in and around Topsham adding further housing would seriously stress and already fragile and less than optimal road system. Like Monmouth Street, where we live, Bowling Green Road is a narrow lane which struggles to accommodate the current traffic and would be unsuitable for two-way traffic. It is also very busy with walkers, runners, joggers and cyclists, both locals exercising or commuting using the Exe trail which is accessed from Bowling Green Road, and day visitors which Topsham attracts all year round due to the birds at the sanctuary in the winter months. It is up and down that road to access the Exe estuary cycle path, the beautiful and tranquil views across the nature reserve, the quiet hedgerows along the road and the community fields at the bottom designated for dog walking and a dog-free area.

It would be potentially rather dangerous, and it feels that such a development would present risks to locals, visitors and wildlife as well as the local environment generally simply from the extra traffic alone. Possibly accepting a proposal to build on LP21 would expose the council to risks to both from defending appeals to any permissions granted and from any future litigants who might be seriously adversely injured or affected by the increased traffic.

For the reasons outlined above.

Unfortunately, I heard about this somewhat late in the day so have not had the opportunity to investigate any further at this stage (it's 23:30 On the final day for submissions).

Modifications: -

Requested to attend examination?: -

Ref: G-06-10-NE1

Representor: Elizabeth Anderson

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.4

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: I support Policy NE1: Landscape setting (Strategic policy) , and am commenting on Land parcel number LP21 in Topsham which I am particularly familiar with (part of which is known locally as Mays Field, and part is the Goat Walk open space).

For many years (we have lived here for over 21 years) there was access to Mays Field so that you could walk from Lower Shapter Street to the top of Monmouth Street, but a few years ago this was blocked off. More recently there have been applications to build on the land, which have been rejected – but I understand that the owners of Mays Field are still hopeful to build properties on the land. Access to this land is either via Monmouth Street which is a narrow lane which is part of the Route 2 cycle path, or Lower Shapter Street. Monmouth Street is already busy with cyclists and walkers (of all ages) – and barely copes with the existing local traffic. Lower Shapter Street is even narrower with no passing places so it would be difficult to have access through that route.

Modifications: -

Requested to attend examination?: -

Ref: G-07-10-NE1

Representor: Emma Jackson

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.4

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: I support Policy NE1: Landscape setting (Strategic Policy), especially in regard to the Land Parcel LP21 in Topsham which is in grave danger of development. This land is known in Topsham as May's Field and it abuts the Goat Walk open spaces. The area between the Goat Walk, Riversmeet, Bowling Green Road and Monmouth Street should be protected – much of it is owned by the community, but May's Field is owned by a Developer who is itching to develop it. This must not be permitted to happen. The area is outstandingly beautiful, quiet and rural. It is visited by people all over the country who come to take part in bird-watching – there is a reserve nearby. The land can be viewed from the estuary and is part of the beautiful natural landscape of the Exe Estuary. Over the decades we have seen Topsham developed at its edges – but to develop a field within the quietest and most rural part of the town would be criminal. We have a responsibility to preserve these precious pockets of land – developments are forever, they can't be pulled down, the devastation will be permanent. I ask that these landscape settings like LP21 are left alone and I support any policy to do so.

It is dismaying to know that four housing proposals have already been submitted and got as far as an appeal stage. Thankfully, they were dismissed at appeal. They must continue to be dismissed. The community of Topsham has purchased the two nearby fields adjoining Bowling Green Road to preserve them from development. May's Field must also be protected.

The Land Parcel LP21 is entirely unfit for development – there is a single-carriageway quiet lane to the site, hardly suitable for heavy vehicles or traffic. A development would devastate the natural environment around the site, particularly in the hedgerows along the quiet lane. The traffic would be far too much for Elm Grove Road, spilling out onto Topsham Road which already cannot cope with the increased traffic from recent developments. These developments on the outskirts, in fact, make a development of May's Field complete unnecessary.

The area is frequented by people at all ages and stages, cycling and walking, and Route 2 passes right by May's Field. An increase in vehicle traffic – especially traffic from residents in a new housing estate – would be unacceptable and extremely dangerous to children who cycle and scoot along the quiet lane.

If May's Field is not protected from development (of any kind) it will be devastating for the rural landscape character of this part of Topsham which has special qualities and features along the Exe Estuary and which provides a beautiful, healthy, rural and undeveloped backdrop to the town.

Modifications: -

Requested to attend examination?: -

Ref: G-09-10-NE1

Representor: Erin Dunsford

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.4

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: I support Policy NE1: Landscape setting (Strategic policy) particularly in relation to the setting of Topsham and in relation to 'Land parcel number LP21', part of which is known locally as Mays Field.

I am writing to express my serious concern regarding any proposed development in this area, in particular:

- Due to its location by a vital area for walking, cycling, running and other recreational use which is used by locals and visitors of all ages and abilities. It is used by me every day and is my only source of exercise.
- The addition of further traffic to this area would undeniably jeopardise this recreational use and also add to the level of danger that pedestrians here already face due to the narrow bridge crossing and high volume of cars.
- The location is adjacent to the crucial RSPB reserve. Any development in this area would undeniably disrupt the natural wildlife that is already being encroached on.
- The area is next to Topsham's historic district and any development would alter forever the character of this area.

I urge you to consider these factors and support policies that protect our community spaces and our natural environment.

Modifications: -

Requested to attend examination?: -

Ref: G-13-10-NE1

Representor: Jennifer Martin

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.4

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: We are in support of the policy NE1 in relation to the Land Parcel LP21 We wish to register our deep concern of any proposed development of the area. We have lived in Monmouth Street for 35+ years and wish to protect the area by maintaining the landscape for future generations to enjoy.

Below the list of some of our other areas of concern.

1. Additional traffic is an obvious outcome and this would cause more noise, risk of accidents to walkers and cyclists, congestion and air pollution.
2. Loss of green space. Topsham has had a huge amount of green space built upon in the last 5 years. The loss of hedgerows and fields being highly detrimental to wildlife and the ecosystem.
3. Risk of flooding. In September 2023 several houses in Monmouth Street were badly flooded when rain water flowed down the street. More concrete coverage in the area would increase the probability of this happening again and again.
4. Noise. LP21 borders on a flood plain and an important RSPB reserve. The increase in noise and light pollution is highly likely to have a detrimental effect on the bird life and in turn spoil the recreational enjoyment for locals and visitors.
5. Well being and mental health. Many people use the area to exercise and socialise. Whether it be running, cycling or just walking and chatting these are important ways in maintaining a healthy sociable lifestyle and should not be underestimated. There are very few places left in and Topsham with the environment to do this. Thank you for giving us the opportunity to give our views on the future of a very special area that in our opinion should be treated sympathetically.

Thank you for giving us the opportunity to give our views on the future of a very special area that in our opinion should be treated sympathetically.

Modifications: -

Requested to attend examination?: -

Ref: G-14-10-NE1

Representor: John Clark

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: I have read the Exeter Plan and the Exeter Landscape Sensitivity Assessment Final Report by White Consultants.

The sensitivity to housing use for Land parcel number LP19 is High/medium and High for LP20 and 21. The sensitivity for employment use is High for LP19, 20 & 21, as shown on Figures 3 & 4 of the White Consultants

Land parcel LP21 has attracted house builders and speculative developers since the 1970s There have been at least 4 housing proposals for LP21, all of which were dismissed on Appeal. The two fields adjoining Bowling Green Road/Goat Walk were acquired by the community and are now firmly protected from development.

However, the owners of Mays Field remain hopefully that planning permission might be granted, despite the Landscape setting policy and the inadequate road system. The May brothers closed their market gardening business in the 1970s and since then local residents and their children have enjoyed using the fields for casual recreation: walking, dog walking, enjoying the views of the Estuary, picking cultivated blackberries and scrumping the fruit trees. But this use was curtailed a few years when the current owners erected fencing and padlocked the gates

Paragraph 4.4 of the Final Report lists a number of factors which proposed developments should be assessed, all of which relate to the landscape setting of Topsham.

The vision for Exeter states that 'Urban planning will protect and enhance Exeter's exceptional natural and historic environment, safeguard its iconic landscape setting
Exeter will be healthy and happy ...with high quality built environment and green spaces'

There is no doubt that the views of Topsham from the surrounding area including the Exe Cycle Route 2, the Exe Estuary and the approach from Darts Farm give a great deal of pleasure to a vast number of people, inducing a feeling of well-being and happiness

The landscape setting of Topsham, lying between the River Exe and the River Clyst is of National importance and should be preserved for this and future generations.

Modifications: -

Requested to attend examination?: -

Ref: G-14-10-NE1

Representor: John Clark

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: I have read the Exeter Plan and the Exeter Landscape Sensitivity Assessment Final Report by White Consultants.

The sensitivity to housing use for Land parcel number LP19 is High/medium and High for LP20 and 21. The sensitivity for employment use is High for LP19, 20 & 21, as shown on Figures 3 & 4 of the White Consultants

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However, the owners of Mays Field remain hopefully that planning permission might be granted, despite the Landscape setting policy and the inadequate road system. The May brothers closed their market gardening business in the 1970s and since then local residents and their children have enjoyed using the fields for casual recreation: walking, dog walking, enjoying the views of the Estuary, picking cultivated blackberries and scrumping the fruit trees. But this use was curtailed a few years when the current owners erected fencing and padlocked the gates

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The landscape setting of Topsham, lying between the River Exe and the River Clyst is of National importance and should be preserved for this and future generations.

Modifications: -

Requested to attend examination?: -

Ref: G-15-10-NE1

Representor: John Harwood

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: I strongly support the proposal for a network of landscape setting areas around Exeter. As the Exeter Landscape Sensitivity Assessment notes, it is essential to protect these areas from inappropriate development if the distinctive setting of Exeter in the surrounding landscape is to be preserved. Some of the Land Parcels that are documented in Assessment (particularly LP21) are already under threat and I sincerely hope that ECC will ensure that only those development proposals that comply unequivocally with the conditions listed in Box NE1 on p87 of the Plan are permitted.

Modifications: -

Requested to attend examination?: Yes

Ref: G-17-10-NE1

Representor: Justine Stott

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.4

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: I live in Topsham and support this Policy to protect valued landscapes including the areas around Exeter which give Exeter a distinctive character and cultural identity, and (with reference to paragraph 10.5) I concur with the comments made in the Exeter Landscape Sensitivity Assessment for Land Parcel LP21.

The plot is sandwiched between the Clyst and Exe estuaries, a RAMSAR site and with an RSPB nature reserve. These estuaries are a haven for overwintering birds, who fly over LP21 between the estuaries daily with each change in the tide in order to feed. The Clyst here is also home to a family of otters. Plot LP21 is permanent home to woodpeckers, firecrests and nuthatch to name but a few. Building on this land would cause massive disruption to wildlife.

Additionally, many trees around the edge of the site show characteristics of temperate rainforest, hosting epiphytes and bryophytes, supporting a rich assemblage of species. As DEFRA spokesperson Emma Gatten once said 'Temperate rainforests are globally important and highly biodiverse habitats. DEFRA is committed to expanding and protecting them.'

The main access road to LP21 would be Elm Grove Road which is mainly single carriageway and includes a narrow railway bridge.

The roads bordering the plot are used by a large numbers residents of and visitors to Topsham walking the estuary loop, running, cycling, bird-watching and dog-walking. These roads are single track with no footpath, nor potential to create a footpath. Monmouth Street in particular regularly becomes blocked. Any housing development in LP21 would cause danger to pedestrians and the increased traffic flow would create massive congestion.

This land parcel lies in Topsham Conservation Area which includes many Grade 2 listed properties.

It is highly likely that views around the plot and the rooflines of a development would affect the character of this heritage area.

For the above reasons, approval of any property development on LP21 would be inappropriate and, in my view, contrary to Strategic Policy NE1 Landscape setting areas (Strategic policy). Therefore I would urge you to please reject any such applications to build additional properties within LP21.

Modifications: -

Requested to attend examination?: -

Ref: G-18-10-NE1

Representor: Kiriana Lewis

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.4

Site: -

Legally Compliant?: Yes

Sound?: -

Duty to Co-operate?: -

Comments: I support Policy NE1: Landscape setting (Strategic policy) particularly in relation to the setting of Topsham and in relation to 'Land parcel number LP21, part of which is known locally as Mays Field, and part is the Goat Walk open space. It would not only be dangerous but also detrimental to the local environment and population to develop Mays Field with all the extra traffic that would cause as well as destroying the green landscape.

The area is already borderline dangerous for the many walkers and cyclists just with the limited traffic in the area as it stands; the Monmouth St, Bowling Green Marsh and Elm Grove road cannot facilitate the current number of road users without putting lives at risk as it is. Roads are not wide enough, the railway bridge is limiting and narrow. It is already too congested for road users and cyclists to move freely with pedestrians. With large deliveries, couriers and sat nav issues the area is beyond over capacity. Use of the route 2 cycle path is dangerous for children for this reason.

The green area around the proposed site is extremely well used by those looking to get out into nature. Dog walkers, foragers, walkers, cyclists and not least bird watchers take huge respite in having the space and greenery around them. The bird hide, work of the RSPB and draw of such varied and plentiful bird life should be a huge part of consideration.

The whole area being conservation area is such for a reason. As residents every tree we prune, every building improvement we make is considered due to the respect of the historical and protected nature of the area as well. A development like this would hugely underestimate this.

Please consider preserving this small space, a small area of greenery thriving with wildlife in an area of significant historical importance that can't accommodate any further development, traffic or users.

Modifications: -

Requested to attend examination?: -

Ref: G-20-10-NE1

Representor: Mark Stott

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.4

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: I am a Topsham resident and support this Policy to protect valued landscapes including the areas around Exeter which give Exeter a distinctive character and cultural identity, and (with reference to paragraph 10.5) I concur with the comments made in the Exeter Landscape Sensitivity Assessment for Land Parcel LP21.

This land parcel lies in Topsham Conservation Area which includes fine Grade 2 houses, and is also in close proximity to the Exe Estuary RAMSAR site and RSPB nature reserve. It has significant recreational use by a large numbers residents of & visitors to Topsham (for activities including walking, running, cycling, bird-watching and dog-walking).

I live on the boundary of LP21. There is speculation that the owners of a part of LP21 known locally as "Mays Field" are considering an application for development of Mays Field. This would be inappropriate for a numbers of reasons:

-The surrounding roads of Bowling Green Road and Monmouth Street are tight single carriageway routes and are used heavily by pedestrians of all ages; those roads are also part of the loop around LP21 for visitors. The roads already struggle to accommodate vehicular traffic and Monmouth Street in particular regularly becomes blocked. Any housing development in LP21 would cause danger to pedestrians and create traffic havoc.

-The main access road to LP21 would be Elm Grove Road – this too is largely single carriageway and includes a narrow railway bridge – increased vehicle flows would create unacceptable congestion.

-As a consequence of the above points, visitor numbers are likely decline, thereby having a negative impact of the local Topsham economy. Furthermore, it would inhibit people trying to connect with the natural environment which would be adverse to both physical and mental health.

-LP21 is home to a wide variety of wildlife of national interest including birds (hence the presence of the RSPB nature reserve), animals (eg. otters), insects and flora/hedgerows – some of which quite rare. Any development would cause irreparable damage to the environment and have a detrimental impact on the eco-system.

-Risk of spoiling views into & around the area and the skylines/ & ridgelines.

-As LP21 lies within the Conservation Area, any development would have ruinous consequences for the heritage and character of Topsham and hence Exeter.

-Any significant building development within LP21 would cause horrendous disruption on the roads into & out of the area.

For the above reasons, approval of any property development on LP21 would be inappropriate and, in my view, contrary to Strategic Policy NE1 Landscape setting areas (Strategic policy). Therefore I would urge you to please reject any such applications to build additional properties within LP21.

Modifications: -

Requested to attend examination?: -

Ref: G-23-10-NE1

Representor: Paul Hicks

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.4

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: I support Policy NE1: Landscape setting (Strategic policy) particularly in relation to the setting of Topsham and in relation to 'Land parcel number LP21, part of which is known locally as Mays Field, and is part of the Goat Walk open space.

We have lived in Monmouth St for 32 years and raised a family here and Mays Field has been an under used resource for the whole of that time. The area could be a wonderful amenity area and yet has been closed off with access forbidden by a variety of owners, all of whom have desires on the land for major development.

The area around Mays Field is used by many people from Topsham, Exeter and outside the area for recreational use to include bird watching walking running and cycling and is a haven for wildlife of every sort . With the massive increase in development around the outskirts of Topsham Mays Field needs to be protected now more than ever before.

The access to the land is over a small residential road with various vehicular pinch points via a narrow and possibly weak railway bridge into an area with narrow roads without any pedestrian pavements and this has been recognized by ECC planners who have turned down development at least 4 times. The City Council have committed to providing excellent cycling facilities around the area and this has been welcomed by locals and has encouraged a more healthy and active lifestyle for Exeter, Exmouth and Topsham residents alike helping to fulfil the plan's objectives. The existing amount of traffic in the area can be a problem and any increase would affect the ability of the wider public to enjoy this.

The two fields adjoining Bowling Green Road were acquired by the community and are now firmly protected from development and this has provided a wonderful asset for the people of Exeter however, the owners of Mays Field remain hopeful that planning permission might be granted, despite the Landscape setting policy and the inadequate road system.

I support keeping Mays Field being free of any development and being used by the local and wider community for recreational purposes and support the Exeter Plan.

Modifications: -

Requested to attend examination?: No

Ref: G-25-10-NE1

Representor: Peter Mills

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.4

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: I support Policy NE1: Landscape setting (Strategic policy) - particularly in relation to the setting of Topsham and in relation to 'Land parcel number LP21', part of which is known locally as May's Field.

I am writing to express my serious concern regarding any proposed development in this area, in particular:

- Due to its location as and by a vital area for walking, cycling, running and other recreational use, which is in constant use by locals and visitors of all ages and abilities.
- Because the addition of further traffic to this area would jeopardise this recreational use and make it unsafe and unpleasant for pedestrians and cyclists.
- Because the location is adjacent to the nationally important RSPB reserve. Any development in this area would disrupt the natural ecosystems in place in this and surrounding areas.
- As the area is next to Topsham's historic district and any further modern development here would damage the historic character of this area.

I urge you to consider these factors and support policies that protect our community spaces and our natural environment. Thank you for your attention to this important matter.

Modifications: -

Requested to attend examination?: -

Ref: G-27-10-NE1

Representor: Rebecca Batchelor

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.4

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: I support Policy NE1: Landscape setting (Strategic policy) particularly in relation to the setting of Topsham and in relation to 'Land parcel number LP21, part of which is known locally as Mays Field, and part is the Goat Walk open space. We have lived in Topsham for 17 years; when our children were younger, we were able to walk into Mays' Field and pick blackberries until the entrance was permanently closed to the public. There were often people walking dogs and generally enjoying the unspoilt space there.

Land parcel LP21 is attractive to speculative developers. There have been at least 4 housing proposals for Land parcel number LP21, all of which were dismissed on Appeal. The two fields adjoining Bowling Green Road were acquired by the community and are now firmly protected from development. However, the owners of Mays Field remain hopeful that planning permission might be granted, despite the Landscape setting policy and the inadequate road system. Bowling Green Road is a narrow lane which cannot take two way traffic. People of all ages and abilities frequently walk, run and cycle up and down that road to access the Exe estuary cycle path, the beautiful and tranquil views across the nature reserve, the quiet hedgerows along the road and the community fields at the bottom designated for dog walking and a dog-free area. It would be extremely dangerous and detrimental to the local environment and population to develop Mays Field with all the extra traffic that would cause.

Modifications: -

Requested to attend examination?: -

Ref: G-30-10-NE1

Representor: Rosemary Johnson

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.4

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: I support policy NE 1: landscape setting (strategic policy), particularly in relation to Topsham and especially LP21. This is known locally as May's field and was for many years enjoyed as an open space for walking and enjoying the natural environment. It has more recently been closed off to the public, but still borders the only remaining area of natural land which remains in Topsham (Bowling green Marsh area (RSPB reserve). The walking/cycle route along Bowling Green Lane is enjoyed by many people and its development would be a massive loss to those in Topsham, Exeter and to the many visitors from further afield who enjoy the peace, beauty and natural biodiversity which this green space provides.

As mentioned above, LP21 borders the RSPB Nature reserve. This is of international significance and development would undoubtedly impact the waders, waterfowl and many other birds and animals which live in and visit this area.

There are already significant problems with parking in the area: the roads around LP 21 are narrow and very unsuitable for carrying a greater weight of traffic. Many people use the area recreationally, pushing babies in pushchairs, cycling, walking, running and exercising dogs. The proposed development also parallels the award-winning Cycle path (Route 2), which currently attracts many visitors to Topsham. Additional traffic in the area would pose a significant risk to the many people already using it. To widen the road would destroy the hedgerow habitats of many small mammals and nesting areas for birds and would change the nature of the area beyond all recognition, as well as destroying access to the only natural, undeveloped area of green space which now remains in Topsham following recent property development to the north of Topsham.

Perhaps not entirely relevant to the Exeter plan, but of consideration is that sewage system would be unable to take any more load. As is well known, it is barely able to cope with the excessive demands which have been placed on it due to the significant number of local housing developments on Clyst Road, Topsham Road and Newcourt Road; additional development will further threaten the water quality of the Exe, thereby impacting river and marine life, and currently flourishing estuary birdlife.

Modifications: -

Requested to attend examination?: -

Ref: G-33-10-NE1

Representor: Tim and Bronwen Oldridge

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.4

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: We are Topsham residents and support Exeter Council Policy NE1 - Landscape setting (Strategic Policy) and the protection confers on valued landscapes including the areas which give Exeter a distinctive character and cultural identity.

We further agree wholeheartedly with the Exeter Landscape Sensitivity Assessment of Land Parcel 21. LP21 lies in Topsham Conservation Area which includes fine Grade 2 houses, and also borders (or is very near to) the RSPB nature reserve and the Exe RAMSAR site.

Part of our garden where it adjoins the River Clyst is included within LP21, and any development on LP21 will require transit along a single carriageway section of Elm Grove Road including in front of our house.

We, and many other residents of, and visitors to, Topsham spend significant time in and around LP21 walking, running, cycling, birdwatching and dog-walking.

We understand that developers are considering an application for development of part of LP21 known as "May's Field". This would be entirely inappropriate for a number of reasons, including:

1. LP21 is home to a wide variety of wildlife of national interest including birds (hence the presence of the RSPB nature reserve), animals (including otters), insects and flora/hedgerows – some of which are quite rare. Any development within LP21 would cause irreparable damage to the environment and have a detrimental impact on the eco-system
2. Any development within LP21 would inevitably spoil views into, and around, the area and adversely affect the skylines and ridgelines
3. LP21 lies within the Conservation Area and it is hard to see how any development could avoid having ruinous effects on the heritage and character of Topsham and therefore on the wider Exeter area
4. The obvious access road of Elm Grove Road and surrounding roads (Bowling Green Road and Monmouth Street), are tight single-track roads and are used heavily by pedestrians and cyclists of all ages. In many places, these roads do not have pavements
5. These roads form part of the loop around LP21 for residents and visitors. The roads already struggle to

accommodate vehicular traffic and Monmouth Street regularly becomes blocked by vehicles. Any housing development in LP21 would cause danger to pedestrians and cyclists, and create traffic havoc for all users

6. Elm Grove Road, the obvious main access road to LP21, as well as being mostly single track at the southern approach to LP21, crosses a narrow bridge over the Exeter to Exmouth railway line. This would constitute a further, significant, bottleneck to increased vehicle flows

7. Any significant building development within LP21 would cause horrendous disruption on the roads into and out of the area for a considerable time

8. Were this part of LP21 be developed, the whole character of this part of the Topsham fringes would significantly change adversely and be much less attractive to recreational visitors. This would likely result in a decline in visitors with a consequential adverse impact on the Topsham economy. It would also discourage people from Topsham, the wider Exeter area and further afield from connecting with the natural environment

For the above reasons, approval of any property development on LP21 would be inappropriate and, in our opinion, contrary to the letter and spirit of Strategic Policy NE1 Landscape Setting Areas (Strategic Policy).

Modifications: -

Requested to attend examination?: -

Ref: G-34-10-NE1

Representor: Timothy Hale

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.4

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: As I understand it, The Exeter Plan 2021-2041 outlines the strategic vision for the area, [bold] emphasizing the importance of preserving the landscape setting and enhancing the quality of life for residents. [bold] The plan includes various policies aimed at protecting green spaces, promoting sustainable development, and ensuring that infrastructure improvements are in line with community needs. The area around Topsham, including Mays Field and the Goat Walk, is highlighted as [bold] a key location [bold] for maintaining the natural beauty and recreational opportunities for residents.

I endorse Policy NE1: Landscape Setting (Strategic Policy), particularly concerning the setting of Topsham and 'Land Parcel Number LP21,' which encompasses Mays Field and the Goat Walk open space. We have lived in Topsham for 22 years, 20 years of which have been in Monmouth Street. The Goat Walk 'loop' has become extremely popular with residents and visitors and is busy every day, full of walkers (often with young families) and cyclists on Route 2 up Monmouth Street, past Mays field and along the bike path. We enjoyed walking in Mays field until the current owners denied access. It was a lovely space for both residents and visitors to enjoy.

Land Parcel LP21 is highly appealing to developers in search of profit at the expense of the community. There have been at least four housing proposals for this land that we know of, all of which were dismissed on appeal. The two fields adjoining Bowling Green Road were acquired by the community – to which my wife contributed - and are now firmly protected from development. However, the owners of Mays Field remain hopeful that planning permission might be granted, despite the landscape setting policy and the inadequate road system.

More residential cars, and delivery vans to a concentrated housing development would create a material increase in danger to the many cyclists on Route 2, and pedestrians. With any development, this traffic will have to spill onto this heavy pedestrian/cycle route. People of all ages and abilities frequently walk, run, and cycle along this road to access the Exe estuary cycle path, enjoy the beautiful and tranquil views across the nature reserve, and use the community fields designated for dog walking and a dog-free area. It is one of the most cherished parts of Topsham where residents and visitors alike can walk mindfully, enjoying the tranquil and relatively traffic-free setting today.

Bowling Green Road is a very narrow lane that cannot accommodate two-way traffic even today. Developing Mays Field would be extremely dangerous and detrimental to the local environment and population due to the increased traffic.

Modifications: -

Requested to attend examination?: No

Ref: G-35-10-NE1

Representor: Tracey Setter

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.4

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: As a Topsham resident I support Policy NE1: Landscape Setting (Strategic) Policy with particular relation to Land Parcel LP21 and I write to express my serious concerns regarding any proposed development near the mixed-use space that serves a a vital area for walking, cycling, running, and more by both locals and visitors of all ages and abilities. The addition of further traffic would undeniably make this area unattractive and unsafe for its users, jeopardizing the community's access to a space they have long enjoyed. Furthermore, the location is adjacent to a nationally important RSPB reserve. Any large-scale development would not only disrupt this valuable ecosystem but would also have a clearly detrimental effect on the wildlife and natural aesthetics that the reserve promotes. Notably, parking in the area is already heavily congested, creating potential hazards. The existing access points are frequently overused, contributing to road blockages that further complicate the flow of traffic. Additionally, this area lies on the edge of Topsham's historic district. Introducing further modern development in this context would fundamentally alter the character and visual appeal of this cherished historical site. I urge you to consider these factors seriously and to lend your support to policies that protect our community spaces and environment. Thank you for your attention to this critical matter.

Modifications: -

Requested to attend examination?: No

Ref: H-13-10-NE1

Representor: Anonymous

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE1: Landscape setting areas (Strategic policy)

Paragraph: 10.9

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: -

Comments: 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.

Modifications: Greater clarification needed as to what these statements really mean, as similar statements in the current plan seems to have no effect....

Requested to attend examination?: No

Ref: B-02-10-NE2

Representor: Environment Agency

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE2: Valley Parks (Strategic policy)

Paragraph: c and f

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: c and f: We welcome the inclusion of these.

Modifications: -

Requested to attend examination?: -

Ref: B-07-10-NE2

Representor: Natural England

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE2: Valley Parks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Natural England supports the approach of this policy which recognises the importance of protecting and enhancing valuable green spaces within the urban environment for biodiversity, natural climate solutions and recreation.

Modifications: -

Requested to attend examination?: -

Ref: C-01-10-NE2

Representor: 1 Energy (Exeter Energy Limited)

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE2: Valley Parks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: Water Lane Policy SBA1 and Policy NE1 Landscape Setting Areas & NE2 Valley Parks

Grace Road Playing Field is identified as disused, and majority of the Water Lane allocation was identified as part of the Exeter Local Plan First Review for development. The site of the proposed Energy Centre is in a highly sustainable location and can provide the energy network required within the policy.

[Figure 1: Location of Grace Road Playing Fields]

The supporting policy map includes our client's site within the strategic mixed use brownfield allocation in policy SBA1. As part of this allocation, limb "G" identifies that a requirement for an energy strategy that minimises carbon emissions both operational and embodied, and incorporates renewable and low energy generation that helps to deliver, and connect to, local energy networks.

Through policy SBA1 supporting proposals for an energy centre in this location, it will allow the requirement towards net zero to be significantly met, not just for Water Lane but also for Exeter.

To support this aspiration, the policy references the Liveable Exeter SPD, where it is recognised that the site is an energy, nature and wildlife opportunity. The Exeter Energy Centre will meet these criteria by providing a facility which will benefit the City in its desire to be net zero, and provide 20% biodiversity net gain.

Overall, the policy is supportive of renewable proposals, however, this must also be considered against the other policies of the plan because the site is within the Valley Park and landscape setting of the city. When these policies are considered against one another, it is clear that there are policy conflicts between each other.

Conflicts of policy

It is considered that there are conflicts of policy between the proposed policies, the Liveable Exeter SPD and the adherence to the Ludwell Valley Masterplan in policy NE2.

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.

In examining the location of an energy centre, other sites have been examined and deemed unacceptable. The inclusion of the site at Grace Road, Marsh Barton within the allocation will not set any kind of precedent for development within the Park because it has long been anticipated as having a future use, it is land surplus to requirements, is visibly contained, is directly adjacent the energy from waste building, and in a location which can make good use of surrounding infrastructure. It will not therefore undermine the landscape designation.

We are therefore supportive of aspects of policy [bold] NE1 [bold] 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.

[underline] However, [underline] policy [bold] NE2 [bold] identifies that development proposals which are contrary to the Ludwell Valley Park Masterplan will not be permitted. This is not legally compliant because it gives legal weight to a [bold] Ludwell Valley Masterplan [bold] which not endorsed for Development Management Purposes.

[Figure 2: Wording of NE2]

The Council themselves have approved development which is contrary to the Plan for a solar farm on a site envisaged as a BMX track (see figure 3 below).

[Figure 3: Extract from Exeter Masterplan]

Furthermore, there are clear conflicts between the requirements of policy NE2 and the proposed policy SBA1 which allocates the site as a part of a strategic mixed use brownfield allocation, and, gives weight to the Liveable Exeter DPD which was 'made' in 2024.

[Figure 4: Proposed policy SBA1 – Water Lane]

The Liveable Exeter Supplementary Planning Document lists at Policy [bold] S15 [bold] a number of alternative uses for the site at Grace Road including BNG habitat bank, woodland creation, recreational area, wildlife hub, canal Basin/marina, [bold] energy centre [bold], allotments and solar farm.

[Figure 5: Policy S15 Liveable Exeter]

The Masterplan therefore limits the use of the site to a potential campsite and festival space.

The policies do not therefore align with one another, and there is therefore a distinct conflict between the requirement to adhere to the Masterplan and the requirements of a 'made' document and the proposed policies and uses for the site contained within the new Local Plan.

Given the status of the Masterplan, the position of the SPD and proposed policy SB1A, and the evident conflict between uses envisaged for Grace Road, it is therefore unreasonable to require that development proposals must adhere to the Masterplan.

This requirement will prevent alternative development advocated and supported by policies within a made document and other policies emerging out of the local plan and the new NPPF 2024 from coming forward and being found acceptable.

Modifications: [underline] Suggested wording [underline]

To recognise this conflict between policies and the new NPPF, a greater recognition and flexibility should be given

within policies of the plan to support and focus upon the transition to Net Zero.

It is suggested that the wording of policy NE2 is amended to say **as part of development proposals consideration shall be given to the Riverside and Ludwell Valley Parks Masterplan, or, it is removed entirely, **rather than prescriptively preventing development that its contrary to it.****

This alteration will then not prevent proposals which are contrary to the Masterplan but in accordance with other policies, being found to be acceptable. It will therefore reflect the new NPPF and the strong emphasis towards Net Zero in particular paragraphs 86, 161, 168, and make the plan legally compliant.

Requested to attend examination?: Yes

Ref: C-41-10-NE2

Representor: University of Exeter

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE2: Valley Parks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University supports policy NE2 and appropriate development that provides for the listed functions. With regard to the Hoopern Valley, which potentially fulfils all seven of the listed functions, the University has taken steps to further nature conservation value and improve public access. It is important that this balance continues to be properly addressed so that nature conservation goals and public access do not conflict.

Modifications: -

Requested to attend examination?: No

Ref: C-43-10-NE2

Representor: Waddeton Park Limited

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE2: Valley Parks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: 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.

As with Landscape setting we are concerned that the Council seek to use the Valley Park designations to impose blanket restrictions without any full assessment or understanding of the different character and relationships that exist within these designations. The Valley Park designations cover much wider areas than the recognised core purposes of such a designation, defined as areas of significant wildlife value, providing opportunities for informal recreation, tranquil areas and allowing public access to nature. Instead, the designations include extensive areas of privately owned land where there is no public access, much of which is active farmland.

Importantly there has been no review of the boundaries of designations in respect of landscape setting and the valley parks for a significant number of years. This is despite the significant change in planning context including the now more limited opportunities for greenfield release in Exeter and the Government clear focus on the delivery of housing. It is important that the broad-brush approach towards these designations (which also includes 'Green Circle' – Policy NE5 alongside Policies NE1 and NE2) do not prevent suitable and deliverable sites from coming forward, or rule out opportunities through development to provide improved public access.

Modifications: Valley Park boundaries need to be reviewed in order to better align with their key purpose, whilst recognising that reasonable opportunities exist within these designations to contribute to the city housing needs. The blanket approach being pursued is not justified and is inconsistent with national policy.

Requested to attend examination?: Yes

Ref: D-02-10-NE2

Representor: Devon Countryside Access Forum

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE2: Valley Parks (Strategic policy)

Paragraph: 10.10

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: The reference to Clyst Valley Park (10.10) refers to the valley park having the potential to link to the wider Clyst Valley Regional Park. • The Devon Countryside Access Forum advises that this sentence should be amended to should link to the wider Clyst Valley Regional Park. •

Modifications: The reference to Clyst Valley Park (10.10) refers to the valley park having the potential to link to the wider Clyst Valley Regional Park. • The Devon Countryside Access Forum advises that this sentence should be amended to should link to the wider Clyst Valley Regional Park. •

Requested to attend examination?: No

Ref: D-03-10-NE2

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE2: Valley Parks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: As for NE1, inclusion of [italic] 'environmental education' [italic] and [italic] 'achieving net zero' [italic] as a type of development which would be supported should be removed. The policy states that development proposals will be permitted [italic] '...and where the development proposals do not result in unacceptable harm to the key purposes for which the Valley Parks are designated'. [italic] This should be rephrased to remove the word 'unacceptable'. Any type of development which results in a deleterious impact to the Valley Parks is unacceptable.

Requested to attend examination?: -

Ref: D-08-10-NE2

Representor: Pinhoe Village

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE2: Valley Parks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: No

Comments: Despite other plans for new valley parks, the well-documented landscape value of the ridgeline in Pinhoe and its potential for connection to the Clyst Valley Park has not been mentioned or included specifically within the Plan. As part of local democratic process and according to protocols defined and managed by ECC, over 2000 people living across Exeter signed a petition to protect the character of the ridgeline at Pinhoe in 2021, with subsequent unanimous support of ECC members at a full council meeting followed by cross-party support at Strategic Scrutiny Committee. The deep value of local heritage, distinctiveness and character across the ridgeline, including a well documented RIGS along a connecting ancient holloway, formed a central part of this community-led petition.

Community voices must be represented as part of the Local Plan process.

Modifications: The community in Pinhoe has fully documented the process online www.pinhoe.org

Requested to attend examination?: Yes

Ref: D-09-10-NE2

Representor: RSPB

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE2: Valley Parks (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: While RSPB supports the policy intent to protect the existing Valley Parks, including their roles as SANG, we are concerned that the existing Valley Parks (as SANG) may not be sufficient to mitigate for the expected increase in the residential population. Work by Devon Wildlife Consultants in 2023 concluded that 6 of the Valley Parks could be enhanced and managed to provide SANG mitigation for c5,570 new residents. However, the new Exeter Plan proposes delivery of at least 642 new homes annually between 2021 and 2041 (a total of 12,840 homes, most of which can be expected to house more than 1 resident). Thus the required level of SANG cannot be delivered solely via enhancements to the existing Valley Parks and additional measures may be necessary to ensure the protection of the Exe Estuary SPA/Ramsar and East Devon Heaths SPA/SAC from the expected increase in recreational use. The RSPB considers that improved and new Green Infrastructure, including Valley Parks, and other mitigation measures need to be phased and delivered ahead of occupation of new residential development so that (a) existing residents using the existing GI and Valley Parks are not 'displaced' to the habitats sites as a consequence of any 'over-crowding' from new residents' usage and (b) new residents find enough attractive and local SANG 'ready to use' for their daily recreational use on first occupation of new homes.

Modifications: The RSPB recommends that the Policy includes a commitment to monitor usage and plan and provide additional SANG (via further enhanced or new Valley Parks) as necessary.

Requested to attend examination?: No

Ref: B-02-10-NE3

Representor: Environment Agency

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE3: Biodiversity (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: We are pleased to see the incorporation of our suggested wording here; 'protect, enhance, connect and restore biodiversity'.

Modifications: -

Requested to attend examination?: -

Ref: B-07-10-NE3

Representor: Natural England

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE3: Biodiversity (Strategic policy)

Paragraph: 10.21

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: This paragraph discusses Biodiversity Net Gain (BNG). Natural England would like to highlight that it seems to confuse the biodiversity gain hierarchy with the biodiversity mitigation hierarchy.

Modifications: We would advise that para 10.21 could read:

All development proposals will need to provide at least 10% measurable net gains in biodiversity, onsite where possible but elsewhere if not, in line with the biodiversity gain hierarchy. Biodiversity Net Gain (BNG) should be applied after all impacts on statutory designated wildlife sites and protected landscapes have been avoided, mitigated, or compensated for. The BNG requirement is set out in the 2021 Environment Act and is now a legal requirement. The Department for Environment, Food and Rural Affairs metric tool must be used for BNG calculations. Small development (that meets the criteria) may choose to use a simpler version of the tool called the small sites metric. The LNRS will help direct BNG interventions to the places that will help maximise delivery of bigger, better and more joined up nature recovery networks.

Requested to attend examination?: -

Ref: C-03-10-NE3

Representor: Anne Codner

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE3: Biodiversity (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: We support the principle of enhancing biodiversity, however, as currently drafted this draft Policy does not appear to align with national policy, guidance and legislation on Biodiversity Net Gain. This is particularly important as the PPG is clear that there is no need for local planning policy to repeat national BNG requirements.

- This draft Policy must not deviate from the Environment Act's requirement for at least 10%.
- As is allowed for in the PPG, the draft Policy does not appropriately allow for BNG on large phased sites being considered as a whole, rather than 10% needing to be delivered in each phase.
- It is unclear whether the costs of BNG have been considered in full within the Council's viability evidence.

Modifications: As a result of the above, we urge the Council to review this draft Policy prior to progressing. As such no specific edits are proposed here.

Requested to attend examination?: Yes

Ref: C-15-10-NE3

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE3: Biodiversity (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: Edenstone support the principle of enhancing biodiversity, however, as currently drafted this draft Policy does not appear to align with national policy, guidance and legislation on Biodiversity Net Gain. This is particularly important as the PPG is clear that there is no need for local planning policy to repeat national BNG requirements.

- This draft Policy must not deviate from the Environment Act's requirement for at least 10%.
- As is allowed for in the PPG, the draft Policy does not appropriately allow for BNG on large phased sites being considered as a whole, rather than 10% needing to be delivered in each phase.
- It is unclear whether the costs of BNG have been considered in full within the Council's viability evidence.

Modifications: As a result of the above, we urge the Council to review this draft Policy prior to progressing. As such no specific edits are proposed here.

Requested to attend examination?: Yes

Ref: C-25-10-NE3

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE3: Biodiversity (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: -

Duty to Co-operate?: -

Comments: Morgan Real Estate support the principle of supporting biodiversity, however, as currently drafted this draft Policy does not appear to align with national policy, guidance and legislation on Biodiversity Net Gain. This is particularly important as the PPG is clear that there is no need for local planning policy to repeat national BNG requirements.

- This draft Policy must not deviate from the Environment Act's requirement for at least 10%.
- As is allowed for in the PPG, the draft Policy does not appropriately allow for BNG on large phased sites being considered as a whole, rather than 10% needing to be delivered in each phase.
- It is unclear whether the costs of BNG have been considered in full within the Council's viability evidence.

Modifications: As a result of the above, we urge the Council to review this draft Policy prior to progressing. As such no specific edits are proposed here.

Requested to attend examination?: Yes

Ref: C-40-10-NE3

Representor: TT Group

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE3: Biodiversity (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: -

Duty to Co-operate?: -

Comments: TT Group support the principle of enhancing biodiversity, however, as currently drafted this draft Policy does not appear to align with national policy, guidance and legislation on Biodiversity Net Gain. This is particularly important as the PPG is clear that there is no need for local planning policy to repeat national BNG requirements.

- This draft Policy must not deviate from the Environment Act's requirement for at least 10%.
- As is allowed for in the PPG, the draft Policy does not appropriately allow for BNG on large phased sites being considered as a whole, rather than 10% needing to be delivered in each phase.
- It is unclear whether the costs of BNG have been considered in full within the Council's viability evidence.

Modifications: [...]

As a result of the above, we urge the Council to review this draft Policy prior to progressing. As such no specific edits are proposed here.

Requested to attend examination?: -

Ref: C-41-10-NE3

Representor: University of Exeter

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE3: Biodiversity (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University supports policy NE3 and the protection, enhancement and restoration of biodiversity. This is an integral part of the University's own strategies.

Modifications: -

Requested to attend examination?: No

Ref: D-03-10-NE3

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE3: Biodiversity (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: 'Where development is likely to have either a direct or indirect adverse effect on a Site of Special Scientific Interest (SSSI) or on Irreplaceable Habitats (such as Ancient Woodland or Veteran Trees) it will not be permitted unless the benefits of the development clearly outweigh both the impacts on the features of the site and any broader impacts on the national network of sites.' The text which continues from 'unless the benefits' is not appropriate and must be removed. Alternatively, additional text is needed to make clear that this will only apply in very exceptional circumstances.

'Development proposals that are likely to have either a direct or indirect adverse impact on other known sites of biodiversity interest' is followed by a list (a-c) of circumstances where development of sites of biodiversity interest will be permitted. The breadth of coverage within these points will effectively result in development being permitted in most situations and undermines the purpose of including any reference to protection of sites of biodiversity interest within the plan. Points A-C are not appropriate and must be removed.

'All development proposals, where relevant, will be required to:' – Points a and c are statutory requirements and point b is an established mitigation mechanism. We would encourage ECC to be more ambitious in their aspirations for biodiversity within the site. Point d should be expanded to specify that bat and bird boxes and bee bricks must be incorporated into each new dwelling, insect boxes must be provided within every residential garden and hedgehog highways incorporated into every development. Native tree and hedgerow planting should also be required.

Modifications: [...] The text which continues from 'unless the benefits' is not appropriate and must be removed. Alternatively, additional text is needed to make clear that this will only apply in very exceptional circumstances.

[...] Points A-C are not appropriate and must be removed.

[...] We would encourage ECC to be more ambitious in their aspirations for biodiversity within the site. Point d should be expanded to specify that bat and bird boxes and bee bricks must be incorporated into each new dwelling, insect boxes must be provided within every residential garden and hedgehog highways incorporated into every development. Native tree and hedgerow planting should also be required.

Requested to attend examination?: -

Ref: D-07-10-NE3

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE3: Biodiversity (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: NE3: Biodiversity (strategic policy)

Policy NE3 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

This policy states that the Council is committed to increasing biodiversity. It goes on to state that all development proposals, will be required to preserve, restore and create wildlife habitats, corridors and networks and other features of ecological interest including those related to protected and priority species in accordance with the Local Nature Recovery Strategy. It requires development proposals to contribute towards measures to mitigate against adverse effects from recreational disturbance on the Exe Estuary SPA and other nearby sites on the National Site Network. It also requires development proposals to provide at least 10% Biodiversity Net Gain (BNG), on-site where possible, but elsewhere if not in accordance with national and local guidance.

The HBF notes the introduction of Biodiversity Net Gain which came in for large sites on February 12th 2024, and for small sites from 2nd April 2024. It is therefore important for this policy to fully reflect all the new legislation, national policy and MHCLG and DEFRA guidance.

The HBF has been involved in a significant amount of work, being led by the Future Homes Hub, on BNG preparedness for some time, including feeding into the BNG Planning Practice Guidance and the DEFRA BNG Guidance. The HBF notes that this represents a lot of new information that the Council will need work through and consider the implications of, in order to ensure that any policy on Biodiversity Net Gain policy complies with the latest policy and guidance now it has been published. It should also be noted that the PPG[23] is clear that there is no need for individual Local Plans to repeat national BNG guidance.

It is the HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase 'provide [bold] at least [bold] 10%' would help to provide this.

It is also important to note that for large and complex sites where the development is phased, the guidance is clear that the 10% must be delivered at the end of the development, and this may not result in 10% BNG on each phase. Additional advice on phased development has been provided in the BNG PPG[24].

There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in

the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, is still relatively new, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available. The Whole Plan Viability Assessment does highlight that as BNG is site specific depending on both the existing site characteristics and the ability of development to both mitigate and provide additional gain, it is difficult to gauge a suitable allowance for meeting the requirements. Thereby, emphasising this point and the need the need to keep these costs under review, ensuring that the most appropriate and up to date information is used.

The HBF would encourage the Council to ensure the Local Plan fully considers and evidence how BNG has formed part of the site selection process. This should include understanding the BNG requirement, including undertaking an assessment of the baseline to support the allocation. Understand the BNG costs and viability for the site and considering how this may impact other policy requirements such as affordable housing, other s106 or CIL contributions.

[23] PPG ID: 74-006-20240214

[24] PPG ID: 74-054-20240214 & ID: 74-056-20240214

Modifications: [...] It is the HBF's opinion that the Council should not deviate from the Government's requirement for 10% biodiversity net gain as set out in the Environment Act. The Plan should provide certainty for developers and a clear BNG policy with a fixed 10% figure, rather than the policy including the phrase 'provide at least 10%' would help to provide this.

[...] The HBF would encourage the Council to ensure the Local Plan fully considers and evidence how BNG has formed part of the site selection process. This should include understanding the BNG requirement, including undertaking an assessment of the baseline to support the allocation. Understand the BNG costs and viability for the site and considering how this may impact other policy requirements such as affordable housing, other s106 or CIL contributions.

Requested to attend examination?: Yes

Ref: D-09-10-NE3a

Representor: RSPB

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE3: Biodiversity (Strategic policy)

Paragraph: 10.18

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The RSPB recommends that the Plan clarifies the differs legal status of the site mentioned in para 10.18. SSSIs are statutorily designated sites, while County Wildlife Sites and RIGS, whilst important, are not statutorily designated. This is relevant to the mitigation hierarchy and the legal obligation to protect the integrity of SSSIs.

Modifications: RSPB suggests amending the sentence to Other areas of particular biodiversity and geodiversity importance include the statutorily protected Sites Of Special Scientific Interest (SSSIs), plus County Wildlife Sites and Regionally Important Geological Sites (RIGS).

Requested to attend examination?: No

Ref: D-09-10-NE3b

Representor: RSPB

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE3: Biodiversity (Strategic policy)

Paragraph: 10.22

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: While the RSPB supports the statement that all development proposals will adhere to the mitigation hierarchy and provide BNG, we are concerned that reference is only made to the now outdated Exeter Residential Design Guide SPD.

RSPB recommends that reference to the Exeter Residential Design Guide SPD is revised to include mention of more up to date guidance in relation to urban biodiversity provision. Please see our comments on para 5.32, the recommendations made there are repeated below. The RSPB considers it reasonable that the Exeter Plan should not only reference its own 15-year old SPD when there is more up to date and sound information available. Perhaps Exeter City Council may consider revising the SPD content re urban biodiversity provision to bring it up to date?

Modifications: At minimum, the RSPB recommends that the reference to the Exeter Residential Design Guide SPD is amended as follows With regards to delivering other biodiversity improvements on site, while the Exeter Residential Design Guide Supplementary Planning Document still provides helpful guidance, including for example, in relation to bat and bird box provision, more up to date information is now available, including in BS 42021:2022 and the Future Homes [italic] Homes for Nature [italic] guidance document.

While RSPB understands that the Biodiversity Requirements of Exeters Residential Design Guide SPD adopted in October 2010 will still apply to all new Planning Applications in the city, the Guide is now nearly 15 years old and the criteria of best practice have moved on. They are now included in the NHBC's [Embedded link: biodiversity-in-new-housing-developments.pdf (nhbc.co.uk)] (2021),the [bold] British Standards Agency's new [bold] Standard for integral nest boxes BS 42021:2022 published on 30/03/22) and more recently the Future Homes Hub- [Embedded link: <https://www.futurehomes.org.uk/#Members>] (with details of proposed biodiversity enhancements by a significant number of National Housebuilders who have committed to include them in all their new developments starting in September 2024).

Future Homes Hub Home

The Future Homes Hub brings together the partnerships needed to deliver on the new home sector's climate and environment plan.

www.futurehomes.org.uk

[italic] [bold] BS42021:2022 - Para 8.4.2 Larger buildings [bold] - Integral nest boxes " Selection and installation for new developments " Specification

Larger buildings occur in many types and sizes and serve a number of purposes and uses. These include:

commercial offices, residential apartments, commercial offices, libraries, educational buildings, nursing/ care homes and hotels and student accommodation, etc. The type and purpose of building could determine how many integral nest boxes are either appropriate or can be installed. The number of installed integral nest boxes in larger buildings depends upon the building construction. Glass-clad buildings might have no opportunities because of the material and the danger it presents to the birds. Some modern claddings could restrict opportunities. [bold] The number of integral nest boxes to be installed shall be proportionate* to the size and design of the building. [bold]

NOTE 1 There is not necessarily an upper limit to the number of boxes that can be installed.

NOTE 2 Although it is unlikely that all boxes on a site will be occupied at the same time it is very likely that all boxes will be used at some point in the lifespan of the Building."[italic]

A significant number of recent developments in the above categories completed in Exeter since 2010 have incorporated integral Bird Boxes/Bricks and we understand that the "Future Homes Hub" will include similar projects in the next edition of their "Guide" for their members to follow, see Homes for Nature - [Embedded link: <https://www.futurehomes.org.uk/homes-for-nature>] Guidance document on Homes for Nature these meet current criteria of good practice and would comply with the ECC's Biodiversity Design Guide,

With reference to integral nest boxes, we recommend using the "universal variety", see universal_swift_nest_brick02.pdf - [Embedded link: https://www.swift-conservation.org/universal_swift_nest_brick02.pdf] designed for swifts but used by most bird species that nest/roost in buildings.

[underline] We recommend that the all the relevant criteria for future developments in the City are included in the new "Plan". [underline]

Requested to attend examination?: No

Ref: D-09-10-NE3c

Representor: RSPB

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE3: Biodiversity (Strategic policy)

Paragraph: 10.16

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The RSPB supports the statement in para 10.16 that “Proposals that have a likely significant effect on internationally important sites (currently comprising Special Areas Of Conservation, Special Protection Areas (SPA) and Ramsar sites) will be subject to an appropriate assessment in accordance with the Habitats Regulations. Where the assessment indicates that it is not possible to ascertain that the proposal, either on its own or in combination with other plans or projects, would have no adverse effect on the integrity of the site, development will only be permitted in exceptional circumstances where there are no alternative solutions, there is an imperative overriding public interest and compensation measures are secured.”

However, we are very concerned that the amount of new residential development proposed within 10km of the Exe Estuary SPA/Ramsar and east Devon heaths SPA/SAC within this Exeter Plan [bold] combined with that in the emerging East Devon Local Plan [bold] will result in adverse impacts on those sites (eg increased recreational pressure) that cannot be satisfactorily mitigated or compensated for. The HRA for the emerging East Devon Local Plan has not been finalised and, while we note that the HRA for the Exeter Plan (Footprint Ecology, 9 December 2024) concluded the strategic mitigation strategy (Teignbridge District Council, Exeter City Council and East Devon District Council) contains measures sufficient to mitigate/compensate sufficiently for the increased recreational impacts arising from proposed new residential and tourism developments in Exeter, (eg, financial contributions from developers of those new developments within 10km of the designated sites for mitigations measures such as wardening on those sites, and managing the Valley Parks to maximise accommodation of local recreational needs), we are concerned that, combined with the proposals for new residential developments in East Devon that are much, much closer to the designated heathlands, existing strategic measures may not be sufficient to avoid adverse impacts on the designated heathlands.

Modifications: -

Requested to attend examination?: -

Ref: D-09-10-NE3d

Representor: RSPB

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE3: Biodiversity (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: The RSPB supports the inclusion of a strong policy for biodiversity. We note that the HRA (final draft, Footprint Ecology, 9 December 2024) has concluded no adverse impacts on the SAC/SPA sites with the mitigation measures in place and continuing (including developer contributions from new housing to fund mitigation measures on the habitats sites, and sufficient SANG provision).

Modifications: -

Requested to attend examination?: No

Ref: B-02-10-NE4

Representor: Environment Agency

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE4: Green infrastructure (Strategic policy)

Paragraph: 10.24

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Para 10.24: We welcome the reference to the LNRS here.

Modifications: -

Requested to attend examination?: -

Ref: B-07-10-NE4

Representor: Natural England

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE4: Green infrastructure (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Natural England supports the requirement to link onsite green infrastructure with the Green Infrastructure strategy. This will help to maximise opportunities for active travel and wildlife permeability.

Modifications: -

Requested to attend examination?: -

Ref: C-41-10-NE4

Representor: University of Exeter

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE4: Green infrastructure (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University supports policy NE4 and the protection and enhancement of existing green infrastructure and the delivery of new green infrastructure.

Modifications: -

Requested to attend examination?: No

Ref: D-02-10-NE4a

Representor: Devon Countryside Access Forum

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE4: Green infrastructure (Strategic policy)

Paragraph: 10.11

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: The provision of green space is important for the health and wellbeing of Exeter's residents and visitors. The Plan comments on the need for additional open space in proportion to the scale of development. (15.30) but makes insufficient comment on the value of improved green space. The Devon Countryside Access Forum advises that ensuring high-quality green space through improving existing areas and making provision for the future [maintenance] of both new and improved open space should be strengthened in the Plan. Policy NE4 (Green Infrastructure strategic policy) should be amended to include improvement work. This would also reflect the statement in 10.11 that "the Riverside and Ludwell Valley Park Masterplan sets out where both new areas of public recreational space could be created and where improvements to existing space can be made."

Modifications: A small alteration to policy NE4 would satisfy the comment above.

"All development proposals will be required to protect existing and take opportunities to improve or deliver new green infrastructure in accordance with the Green Infrastructure Strategy and updated Biodiversity Network diagram.

Requested to attend examination?: No

Ref: D-02-10-NE4b

Representor: Devon Countryside Access Forum

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE4: Green infrastructure (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: In NE4, the inclusion of rights of way, Valley Parks and the Exeter Green Circle is welcomed and supported.

"All large scale development proposals must also be accompanied by a Green Infrastructure Plan setting out how the development will link to existing green infrastructure (including public rights of way, Valley Parks and the Exeter Green Circle) and demonstrating how the development will contribute to the delivery of the Green Infrastructure Strategy"

Modifications: -

Requested to attend examination?: No

Ref: D-09-10-NE4

Representor: RSPB

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE4: Green infrastructure (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: The RSPB supports this policy. GI is critical as part of encouraging sustainable travel and contributes to effective mitigation for the SPA and SAC sites.

Modifications: -

Requested to attend examination?: No

Ref: B-07-10-NE5

Representor: Natural England

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE5: Green circle

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Natural England also supports Green Circle policy NE5 which preserves an established network of active travel routes. Such routes provide residents of Exeter with valuable access to the natural world while also providing opportunities for the movement of wildlife.

Modifications: -

Requested to attend examination?: -

Ref: D-09-10-NE5

Representor: RSPB

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE5: Green circle

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: RSPB supports this policy. The Green Circle is an essential part of Exeter's Green Infrastructure and adds to the role of the Valley Parks in providing local walking routes and access to green space for daily recreational needs.

Modifications: -

Requested to attend examination?: No

Ref: G-08-10-NE5

Representor: Emma Townsend

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE5: Green circle

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: To maximise active travel aspirations, the potential benefits from the Green Circle are not being maximised.

Modifications: Add - expand the Green Circle into adjoining areas such as to the new Ridgetop Valley Park at Matford.

Requested to attend examination?: No

Ref: B-07-10-NE6

Representor: Natural England

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE6: Urban greening factor

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Policies NE6 and NE7 are also supported as these align with Natural England's published Green Infrastructure Framework.

Modifications: -

Requested to attend examination?: -

Ref: B-10-10-NE6

Representor: South West Water

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE6: Urban greening factor

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The recognition of the critical need for development to be adaptable and resilient to climate change is a fundamental issue that has been incorporated into the proposed Local Plan. In terms of the considerations highlighted within SWWs previously submitted comments under the Regulation 18 consultation, the proposed plan incorporates measures both for managing/mitigating climate related changes to water consumption behaviours (Water efficiency standards, Urban Greening Factor, increasing tree canopy cover, etc.), and managing surface water sustainably and effectively. In terms of these highlighted material planning considerations, SWW advise the proposed Local Plan is sound.

Modifications: -

Requested to attend examination?: No

Ref: C-03-10-NE6

Representor: Anne Codner

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE6: Urban greening factor

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: We strongly object to this policy as drafted, and consider it unsound as there does not appear to be any evidence available as to the impact that this will have on the delivery and viability of schemes.

The Urban Greening Factor (UGF) scores that the draft Policy requires development to meet will create pressure on the density of new developments and challenge how land is best used. Many groups have undertaken studies to explore the implementation on this and have noted that a major impact can occur on the amenity of new development when trying to address nature aims to meet UFG.

We consider that the application of mandatory BNG, and existing criteria for new play and amenity space, already encourage the aims pursued by this policy and therefore the additional requirements of this draft Policy are not justified.

Furthermore, the standards being proposed by Exeter are more onerous than those that are contained with the London Plan and other south west authorities including Bristol City Council.

In addition to the above, the Viability Assessment does not attribute any costs associated to the application of this draft Policy over and above standard external works and BNG. This is entirely insufficient given onerous impact of this draft Policy's requirements.

Modifications: In the absence of justification or viability testing, this draft Policy should be deleted in full.

Requested to attend examination?: Yes

Ref: C-07-10-NE6

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE6: Urban greening factor

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The wording of Policy NE6 (Urban Greening Factor) has been amended slightly since the previous round of consultation. It now reads as follows:

[italic] All major development proposals must be accompanied by an Urban Greening Factor (UGF) Assessment demonstrating how the development will achieve a UGF score of at least:

a. 0.3 for predominantly commercial development; or

b. 0.4 for predominantly residential development (or 0.5 for predominantly greenfield residential development),

unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.

All major development proposals must also be accompanied by a Landscape And Ecological Management Plan to demonstrate that the urban greening will be successfully retained throughout the life of the development. [italic]

In relation to the updated policy, the Client makes the following comments:

- The Client notes and supports the addition of the following wording 'unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable'.

Modifications: • However, it is recommended that the amendments go further to refer to these figures as target scores in line with the wording used by Natural England in their Urban Greening Factor Report 3.2 Version: 1.1 (January 2023).

- Accordingly, the language used should be amended to 'will target' as opposed to 'will achieve'.

[bold] Recommendation: [bold] Policy NE6 is reworded to remove 'at least' and state 'how the development will target a UGF score of:' as opposed to stating the scores as requirements that must be achieved.

Requested to attend examination?: Yes

Ref: C-15-10-NE6

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE6: Urban greening factor

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Edenstone support the principle of delivering soft landscaping and planting as part of development schemes and acknowledges the value of this across many different issues including biodiversity, climate change and townscape. However, as drafted this draft Policy is unsound as there does not appear to be any evidence available as to the impact that this will have on the delivery and viability of schemes.

The Urban Greening Factor (UGF) scores that the draft Policy requires development to meet will create pressure on the density of new developments and challenge how land is best used. Many groups have undertaken studies to explore the implementation on this and have noted that a major impact can occur on the amenity of new development when trying to address nature aims to meet UFG. Edenstone believe that the application of mandatory BNG, and existing criteria for new play and amenity space, already encourage the aims pursued by this policy and therefore the additional requirements of this draft Policy are not justified.

Furthermore, the standards being proposed by Exeter are more onerous than those that are contained with the London Plan and other south west authorities including Bristol City Council.

In addition to the above, the Viability Assessment does not attribute any costs associated to the application of this draft Policy over and above standard external works and BNG. This is entirely insufficient given onerous impact of this draft Policy's requirements.

Modifications: In the absence of justification or viability testing, this draft Policy should be deleted in full.

Requested to attend examination?: Yes

Ref: C-25-10-NE6

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE6: Urban greening factor

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Morgan Real Estate support the principle of delivering soft landscaping and planting as part of development schemes and acknowledges the value of this across many different issues including biodiversity, climate change and townscape. However, as drafted this draft Policy is unsound as there does not appear to be any evidence available as to the impact that this will have on the delivery and viability of schemes.

The Urban Greening Factor (UGF) scores that the draft Policy requires development to meet will create pressure on the density of new developments and challenge how land is best used. Many groups have undertaken studies to explore the implementation on this and have noted that a major impact can occur on the amenity of new development when trying to address nature aims to meet UFG. Morgan Real Estate consider that the application of mandatory BNG, and existing criteria for new play and amenity space, already encourage the aims pursued by this policy and therefore the additional requirements of this draft Policy are not justified.

Furthermore, the standards being proposed by Exeter are more onerous than those that are contained with the London Plan and other south west authorities including Bristol City Council.

In addition to the above, the Viability Assessment does not attribute any costs associated to the application of this draft Policy over and above standard external works and BNG. This is entirely insufficient given onerous impact of this draft Policy's requirements.

Modifications: In the absence of justification or viability testing, this draft Policy should be deleted in full.

Requested to attend examination?: Yes

Ref: C-32-10-NE6

Representor: South West Housing Association Planning Consortium

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE6: Urban greening factor

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Draft Policy NE6 states that major development proposals must be accompanied by an Urban Greening Factor (UGF) Assessment. The SWHPAC appreciates that draft Policy NE6 now contains wording that this assessment is not required if it is not feasible or viable. That said, one of the member housing associations of the SWHAPC has raised that they have found it very challenging on brownfield sites elsewhere to achieve a UGF score of 0.4 without the use of green roofs, which can have costly maintenance and service charge implications for residents. This problem remains to be a particularly large challenge for affordable housing proposals. The SWHAPC therefore queries if this requirement has been tested in terms of how this can be achieved on a range of types of sites alongside other planning requirements.

Modifications: -

Requested to attend examination?: -

Ref: C-36-10-NE6

Representor: Taylor Wimpey

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE6: Urban greening factor

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The use of the Urban Greening Factor represents a step change in approach from previous green infrastructure standards. The focus upon brownfield allocations under the drafted plan will likely see piecemeal development with limited capacity to introduce the necessary green infrastructure.

Overall, this approach will likely result in reduced yields and so reduced viability of development than may have been allowed for in seeking sufficient (and deliverable) sites across the plan period. As such, it is integral that the impacts of this are incorporated in capacity and viability testing in advancing the plan.

The Council's LPVA 2024 (table 2.1) simply states that the implications of this policy are 'Assumed to be included in allowances for external works (plot & site infrastructure) and BNG.' This pays no regard to the fact the policy is likely to require a reduction in development density which will subsequently impact the viability of schemes. This should be provided explicit consideration in the Viability Assessment,

Modifications: -

Requested to attend examination?: -

Ref: C-40-10-NE6

Representor: TT Group

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE6: Urban greening factor

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: TT Group support the principle of delivering soft landscaping and planting as part of development schemes and acknowledges the value of this across many different issues including biodiversity, climate change and townscape. However, as drafted this draft Policy is unsound as there does not appear to be any evidence available as to the impact that this will have on the delivery and viability of schemes.

The Urban Greening Factor (UGF) scores that the draft Policy requires development to meet will create pressure on the density of new developments and challenge how land is best used. Many groups have undertaken studies to explore the implementation on this and have noted that a major impact can occur on the amenity of new development when trying to address nature aims to meet UFG. TT Group consider that the application of mandatory BNG, and existing criteria for new play and amenity space, already encourage the aims pursued by this policy and therefore the additional requirements of this draft Policy are not justified.

Furthermore, the standards being proposed by Exeter are more onerous than those that are contained with the London Plan and other south west authorities including Bristol City Council.

In addition to the above, the Viability Assessment does not attribute any costs associated to the application of this draft Policy over and above standard external works and BNG. This is entirely insufficient given onerous impact of this draft Policy's requirements.

Modifications: In the absence of justification or viability testing, this draft Policy should be deleted in full.

Requested to attend examination?: -

Ref: D-07-10-NE6

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE6: Urban greening factor

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: NE6: Urban greening factor

Policy NE6 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

This policy states that all major development proposals must be accompanied by an Urban Greening Factor (UGF) Assessment demonstrating how the development will achieve a UGF score of at least 0.4 for predominantly residential development or 0.5 for predominantly greenfield residential development.

The HBF considers it is unclear from the justification how the level of urban greening that would be required through the use of the Urban Greening Factor relates to the 10% Biodiversity Net Gain (BNG) required by the Environment Act. There would appear to be the potential for significant overlap with BNG that will need to be explored to ensure that the Council is not creating unnecessary administrative burdens on all applicants. The text currently states that urban greening will be used alongside BNG to help set the quantity and functionality of green infrastructure that should be delivered onsite.

The HBF notes that the Viability Assessment assumes that the costs associated with this policy will be included in the allowances for external works (plot and site infrastructure) and BNG. The HBF is concerned that this will not accurately reflect the costs associated with this policy requirement especially for the higher density developments that are likely to be a key source of new homes in Exeter.

If the Council continues to take forward the use of the Urban Greening Factor, the HBF would suggest that it is not a requirement on all sites. For example, small sites or sites near existing open spaces might be encouraged but not required to use the urban greening factor to inform the design. It would also seem inappropriate to require its use where specific provision has been agreed as part of a site allocation. The Plan will also need to clearly set out UGF relates to the wider BNG and LNRS objectives.

Modifications: If the Council continues to take forward the use of the Urban Greening Factor, the HBF would suggest that it is not a requirement on all sites. For example, small sites or sites near existing open spaces might be encouraged but not required to use the urban greening factor to inform the design. It would also seem inappropriate to require its use where specific provision has been agreed as part of a site allocation. The Plan will also need to clearly set out UGF relates to the wider BNG and LNRS objectives.

Requested to attend examination?: Yes

Ref: D-09-10-NE6

Representor: RSPB

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE6: Urban greening factor

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The RSPB supports this policy. These measures will become increasingly necessary as the city 'heat island' effect will increase with global warming and UGF is an essential mitigation, as well as one that can provide biodiversity benefits through choice of appropriate species to plant.

Modifications: -

Requested to attend examination?: No

Ref: B-02-10-NE7

Representor: Environment Agency

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE7: Urban tree canopy cover

Paragraph: 10.40

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Para 10.40: We support the urban tree canopy cover policy and the inclusion of the following reference in the pre-amble 'Existing trees should be retained where possible and the felling of existing healthy trees will need to be justified.'

Modifications: -

Requested to attend examination?: -

Ref: B-03-10-NE7

Representor: Historic England

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE7: Urban tree canopy cover

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: We welcome the improved flexibility of Policy NE7 and the accompanying supporting text at paragraph 10.41 which highlights that there may be situations where trees would impact on heritage assets. This would be a particular consideration for sites close to the City Walls, Underground Tunnels and areas of highly significant archaeology.

Modifications: -

Requested to attend examination?: -

Ref: B-07-10-NE7

Representor: Natural England

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE7: Urban tree canopy cover

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Policies NE6 and NE7 are also supported as these align with Natural England's published Green Infrastructure Framework.

Modifications: -

Requested to attend examination?: -

Ref: B-10-10-NE7

Representor: South West Water

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE7: Urban tree canopy cover

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The recognition of the critical need for development to be adaptable and resilient to climate change is a fundamental issue that has been incorporated into the proposed Local Plan. In terms of the considerations highlighted within SWWs previously submitted comments under the Regulation 18 consultation, the proposed plan incorporates measures both for managing/mitigating climate related changes to water consumption behaviours (Water efficiency standards, Urban Greening Factor, increasing tree canopy cover, etc.), and managing surface water sustainably and effectively. In terms of these highlighted material planning considerations, SWW advise the proposed Local Plan is sound.

Modifications: -

Requested to attend examination?: No

Ref: C-07-10-NE7

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE7: Urban tree canopy cover

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Policy NE7 (Urban tree canopy cover) states that:

[italic] All major development proposals must be accompanied by a Canopy Cover Assessment measuring the existing level of tree canopy cover onsite and setting out what increase will be achieved. Development proposals that result in an overall loss of tree canopy cover will not be permitted. [italic]

The Client queries this request on the basis of the following:

- The provision of a Canopy Cover Assessment for all major development proposals is an onerous requirement beyond those of many councils across the UK and especially in addition to the requirements for the provision of a Biodiversity Net Gain assessment, a Green Infrastructure Plan, and an Urban Greening Factor Assessment. The submission of a large number of reports all relating to the Natural Environment poses a risk of overcomplicating planning applications and slowing down the planning process.
- The preparation of such an assessment would require working closely with the Council to establish an agreed methodology as this detail is currently missing from the policy and the supporting text.
- In addition to this, the results of the assessment may end up very different from the reality without the agreement of a specified length of time for any new trees to reach the expected canopy spread in the assessment and sufficient maintenance. If for example the tree is to meet the canopy cover in 20 years it would in some instances lead to planting larger semi-mature trees which may not always be feasible, less sustainable and potentially or available from the UK. As such, further guidance would also be required as to the expected growth and size of different tree species over time to make it fair across schemes.
- Furthermore, in some circumstances a Canopy Cover Assessment could be at odds with a Biodiversity Net Gain Assessment where an increase in grassland metrics would be required to meet BNG as opposed to an increase in trees.

Modifications: [bold] Recommendations: Policy NE7 should be amended to remove the requirement for a Canopy Cover Assessment for all major applications. If the Council wishes to request the assessment on a site-by-site basis where a site's specific requirements would warrant the need for the preparation and review of such a complex assessment, then further guidance should be provided in line with the above.

Requested to attend examination?: Yes

Ref: C-38-10-NE7

Representor: The Guinness Partnership Ltd

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE7: Urban tree canopy cover

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: This policy requires major development proposals to increase tree canopy cover on-site when compared to the pre-development baseline. Again, as the Exeter Plan Spatial Strategy relies heavily upon brownfield sites, this requirement may not be achievable on certain sites, for example, where the application site area is the footprint of an existing building there would be no space to plant new trees. Historically, there have also been issues with Devon County Council not adopting street trees. This policy therefore requires greater flexibility for circumstances where a development site physically cannot increase tree canopy.

Furthermore, if an existing site already has adequate tree canopy coverage, why should it be required to increase provision when it is already acceptable in this regard?

Modifications: This policy should therefore take account of the retention of existing trees as part of the provision equation.

Requested to attend examination?: -

Ref: D-06-10-NE7

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE7: Urban tree canopy cover

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As currently drafted the policy is not justified. Its requirements are excessive and do not take into account reasonable alternatives. "All new development proposals must contribute..." is an excessive requirement even it were to exclude applications for change of use.

From paragraph 10.40 it is clear that minor applications are not required to contribute.

Modifications: Delete "All new development proposals must contribute to achieving the City Council's ambition to increase tree canopy cover"

Substitute "Minor applications must demonstrate no loss of tree canopy cover"

Requested to attend examination?: No

Ref: D-07-10-NE7

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE7: Urban tree canopy cover

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: NE7: Urban tree canopy cover

Policy NE7 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

This policy states that all new development proposals must contribute to achieving the Council's ambition to increase tree canopy cover. It states that all major development proposals must be accompanied by a canopy cover assessment. It goes on to state that proposals that result in overall loss of tree canopy cover will not be permitted.

The HBF notes that the City Council has set a local target to increase tree canopy cover to 30% over the next twenty years. The Devon Local Nature Partnership has also published the Right Place Right Tree Guidance which the justification text suggests should be used when choosing the locations and species of trees to be incorporated. The justification text also states that reference should be made to the emerging Devon Tree and Woodland Strategy which will set out key principles which developers will be encouraged to apply.

The HBF recommends that the policy should be clearer about how it links into BNG policies, and other green infrastructure requirements. The HBF also considers that the Council needs to be clear about how the Right Place Right Tree and emerging Tree and Woodland Strategy will be expected to be guide developers, as these documents are not being examined at this time and developers need to have clarity.

Modifications: The HBF recommends that the policy should be clearer about how it links into BNG policies, and other green infrastructure requirements. The HBF also considers that the Council needs to be clear about how the Right Place Right Tree and emerging Tree and Woodland Strategy will be expected to be guide developers, as these documents are not being examined at this time and developers need to have clarity.

Requested to attend examination?: Yes

Ref: D-09-10-NE7

Representor: RSPB

Chapter/section of the Exeter Plan: 10 - Natural environment

Policy: NE7: Urban tree canopy cover

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: The RSPB supports this policy for the reasons set out in para 10.38.

Modifications: -

Requested to attend examination?: No

Ref: D-01-11-X

Representor: Devon Archaeological Society

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: [italic] Chapter 11: History and Heritage [italic]

Firstly, we welcome the policies relating to the City's heritage and historic environment (predominantly in Chapter 11 of the Plan document, but also within Chapters 12 and 13). However, we find these admirable policies to be seriously at odds with other elements of the Plan, particularly as they relate to 'brownfield development', density, and economy, and we thus wish to object to the soundness of the Plan on the basis that it does not recognise or endeavour to resolve these inconsistencies. We would also note that the 'Liveable Exeter' principles (which stress the need actually to enhance Exeter's heritage: 4.12, 4.15) include repeated references to 'optimal' density on brownfield sites, whereas the rest of the document appears to focus on maximising their density.

We must stress that the emphasis on the allocation of brownfield sites for housing within and in the immediate vicinity of the walled circuit (e.g. at sections 4.5–4.7, S1.4; 6.8, 6.10, H2, etc.) has major implications for the buried archaeological deposits and wider historic environment of the city (most particularly parts or all of the 'North Gate/Mary Arches Street', 'East Gate', 'South Gate' and 'Exe Bridges Retail Park' sites, although by no means confined to these alone). We believe that there is a serious conflict between these policies and the statements now made regarding the value of the archaeological resource in Chapter 11 (e.g. at paras 11.36–11.38).

On this basis, we object to these policies, given their failure to be integrated in any way with the policies relating to the historic environment. It should be clearly understood that, if development of these sites is to be carried out successfully and with due respect for the archaeological resource, Government planning guidance requires that far more consideration will need to be given in advance to their design, layout and massing, particularly in the light of the 'skyline' assessment now belatedly provided. In addition, serious and sustained commitment will be required, both in the form of detailed advanced prospection by means of assessment and evaluation, and by means of full excavation, with attendant cost and time implications and subsequent requirement for adequate publication of the results, as well as other mitigation measures, up to and including retention/preservation in situ, of these important city centre sites prior to their development.

[...]

We commend the statements and policies upholding and promoting the historic environment and heritage of Exeter (S1.11, 4.12, 8.9, HH1–HH5) that the city's history and heritage are crucial to the understanding and promotion of its future (e.g. 11.1, 11.4–11.5, 11.12, 11.19, 11.44, etc.). However, we observe that this and

previous similar statements appear not to inform the City Council's current or recent planning decisions, which appear rather to ignore such issues. Specific cases include the Harlequin shopping centre, the Royal Clarence, Longbrook Street, etc. We repeat the comment made in our previous letter (9th January 2024) that professions of good intent are only as good as their implementation, and if these various policies and statements of intent are ignored (as they sometimes seem to have been in recent cases) then the validity of the whole exercise is called into question. In particular, the professed intention to promote the development of brownfield sites in and near the city's historic centre to a greater than usual density of dwellings (e.g. 4.10–4.11) is irresolvably at odds with the protection and preservation of the city's archaeological resource. This greater density will presumably have implications for the heights of buildings on these sites, something that has been a continual source of disagreement in previous comments on development proposals in the historic city centre, and likely to impact negatively on the townscape if allowed to go ahead. (This point is given further force in the detailed conclusions of the Allies and Morrison Report – Evidence Base Section 9).

While we note with approval the section on 'Conserving and enhancing the Exeter City Walls', with its statements on the overall significance of the city wall, we also note with concern that there are several allusions to repairs and maintenance of the wall as conditional upon obtaining funding (e.g. 11.46; policy HH5), with the implication that this would be external funding and that the maintenance of the wall is, in some way, an 'optional extra'. This society views the city's responsibility to maintain and repair the city wall as absolute, not conditional, in a tradition that stretches back to the origin of the defences in the second century A.D. and spans the intervening centuries. Exeter's city wall is one of the most spectacular and complete examples in the country, and we would observe that not only does its historical and archaeological importance appear to be deplorably undervalued by the City Council, but also that its cultural and tourism potential (and hence of course its potential economic value to the city) is being overlooked. Until the last ten years, the proper maintenance of the city wall has been a responsibility always taken seriously by the City Council, but part of the reason the city wall is currently in such a poor state of repair is attributable to the virtual absence of routine maintenance in more recent years. We therefore consider the absence of any commitment to this responsibility on the part of the City Council, the owner of most of this nationally important monument, to render this section unsound.

[...]

Modifications: -

Requested to attend examination?: -

Ref: D-03-11-X

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: We welcome the proposal to protect and enhance historic assets. Providing the same approach to historic natural features will also play an important part in this. Veteran trees, ancient woodlands, grasslands and other habitats including bat roosts in old buildings and structures - a historic city needs these features as they are a living connection to the past and are irreplaceable features.

Modifications: -

Requested to attend examination?: -

Ref: D-05-11-X

Representor: Exeter Cathedral

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: -

Comments: [Chapters 11 & 12] Our first concern is our disappointment that the cathedral features so little in the plan; a small number (seven) of largely peripheral mentions, and featuring well down a list of cultural assets. The cathedral is the city's principal tourist and cultural asset, and very largely the reason the city has the importance that it does today; the cathedral is arguably the finest intact example of late decorated gothic architecture in the country, and a major reason why people visit the city. No specific policies within the plan support or enhance the cathedral's role, or allocate the cathedral specific roles within the cultural and visitor offer of the city.

Modifications: We would wish to work with the city council in defining a more bespoke plan for the cathedral's place in the city plan.

Requested to attend examination?: Yes

Ref: F-01-11-X

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: B-03-11-HH1

Representor: Historic England

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: HH1: Conserving and enhancing heritage assets (Strategic policy)

Paragraph: 11.2, 11.3 and 11.7

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: 11.2 - Paragraph 11.2 refers to the HIA that informs the Regulation 19 Local Plan. We welcome this new piece of evidence but we do not consider that the response to it in Local Plan policies is currently adequate. As the non- strategic site allocations in the Plan are not accompanied by individual criteria-based policies, it will be important that the policies in this chapter are strengthened to respond to issues and recommendations in the HIA. This will help to ensure that the Plan is justified, effective and consistent with national policy.

11.3 - Clarifications needed. While we welcome the preparation of the Views, Density and Heights Study, in the introduction to this response we have outlined the difference between the two reports and the need for clarity around their role, status and limitations. We have suggested amendments to address these issues.

11.7 - Correction needed. A minor correction is required to paragraph 11.7 regarding heritage legislation and including some provisions in the Levelling Up and Regeneration Act which, at time of writing, are not yet in force.

While we welcome Policy HH1, a number of changes are needed to ensure that it is consistent with national policy, in particular NPPF paragraphs 207 and 216, and responds to the evidence base.

Firstly, the requirement for applicants to submit a Heritage Statement should be included in policy HH1. This both responds to NPPF para 207 which states that 'local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting'. It also reflects the expectation (which we support) contained in supporting text to HH1 that Heritage Statements should go beyond this by also 'assessing the impacts of proposed development'.

Secondly, at present policy HH1 contains an approach to non-designated heritage that only deals with 'substantial harm'. This is inconsistent with NPPF paragraph 216. It also fails to respond adequately to the Council's HIA which identifies many incidences where development of a site allocation has potential to impact on non-designated heritage assets. Plans should contain a positive strategy for conservation of heritage assets and we would hope that in a majority of cases harm would be less than substantial (although note that the NPPF does not make this distinction for non-designated heritage assets, other than in conservation areas).

HH1 should also respond to evidence contained in both the Skyline and Views Report, and the HIA, in relation to the need to conserve and enhance important views.

HH1 does not currently address Heritage at Risk, as referred to in NPPF paragraph 203 and paragraphs 11.16-11.18 and 11.28 of supporting text.

Modifications: 11.2 - See requested changes to Policies HH1, HH2, HH3 and HH4 below.

11.3 - We suggest the following clarifications to address these issues, drawing on the purpose and limitations set out in the reports themselves:

“11.3 In addition to the HIA, a Views, Density and Heights Study has been prepared involving two stages of assessment. ~~This~~ ~~The~~ Stage 1 Skyline and Views Report identifies important views that need to be protected or enhanced, including views of and from some of Exeter’s most prominent heritage assets. It is not a comprehensive study of all views, but will be an important resource for developers when drawing up potential schemes and assessing impacts. ~~in~~ the context of development key views of heritage assets across the city and ~~Historic England was a key stakeholder on Stage 1, and a wider group of stakeholders contributed to the study through a workshop.~~ ”

The Stage 2 Sites Report contains an initial consideration of ~~considers~~ ~~the potential development impact of the larger mixed use brownfield allocations on these views~~ ~~and assets.~~ It is not a substitute for detailed HIA or Townscape and Visual Impact Assessment (TVIA) at application stage.

This work relates to the capacity assessments for key allocations in the Plan, and contains recommendations for height constraints and other development parameters that will be informative to prospective developers. ~~is referenced in the relevant allocation policies and should also be used to inform development proposals across the city, particularly major development proposals.~~ ~~However, it is important to note that the example layouts shown for each site are not proposals and do not represent the only way development could come forward at optimal density across the sites. The layouts shown have not been tested against all townscape, heritage, archaeology or other planning constraints and considerations which would be subject to detailed design and assessment to inform masterplanning and future planning applications. Much additional work will be needed to secure high quality place shaping on strategic sites.~~

~~Historic England have been a partner in producing this work.~~

11.7 - Designated heritage assets are protected by ~~law under~~ ~~legislation~~ including the Planning (Listed Building & Conservation Areas) Act 1990, the Ancient Monuments and Archaeological Areas Act 1979, provisions introduced by the Levelling Up and Regeneration Act (LURA) 2023 (when in force) and by Government policy in the NPPF.

Insert into Policy HH1 the requirement for a Heritage Statement. This could form the first part of the final paragraph:

“All planning applications affecting heritage assets must include a Heritage Statement describing the significance of the heritage assets, including any contribution made by their setting, and assessing the impacts of the proposed development upon it. The level of detail should be proportionate to the asset’s importance and the assessment should be used to inform and explain the design concept. Development proposals that would result in harm...”

Insert text into Policy HH1 to explain how the Council will deal with cases resulting in harm to non-designated heritage assets, where this does not amount to substantial harm or total loss.

Insert new paragraph into HH1: “[underline] Proposals should seek to conserve and enhance important views according to their contribution to heritage significance and townscape value. When assessing the impacts of their schemes on important views, applicants should consult the Exeter Skyline and Views Report.”[underline]

Insert new paragraph into HH1:

[underline] “The City Council will consider positively those appropriate development proposals that would ensure the repair and maintenance of heritage assets ‘at risk’, and will consider the use of planning obligations in appropriate circumstances.” [underline]

Requested to attend examination?: -

Ref: C-07-11-HH1

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: HH1: Conserving and enhancing heritage assets (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The Client notes that there are discrepancies between Policy HH1 (Conserving and enhancing heritage assets) and the NPPF. The first two paragraphs of the Policy are worded as follows:

[italic] Exeter's iconic and ancient heritage will continue to make an essential contribution to the liveability, culture, economy and tourism offer of the city.

Development proposals will be required to conserve and where appropriate enhance Exeter's rich heritage and to ensure that development makes a positive contribution to the historic environment and the cultural offering and identity of the city. All large scale development proposals will be required to improve access to, and interpretation of, the historic environment.

Development proposals that affect designated heritage assets and/or their settings will only be supported when they conserve and, where appropriate, enhance or reveal, the significance of the asset in the form of fabric, settings, character or appearance, and any features of special architectural, historic or archaeological interest.
[italic]

The Client objects to this wording on the basis that:

- This is a direct conflict with the NPPF, namely paragraphs 215 and 221, as extracted below:

[italic] "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use...

Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies." [italic]

- Through stating that [italic] "development will be required to conserve" [italic] Exeter's heritage and that proposals [italic] "will only be supported when they conserve and, where appropriate, enhance or reveal, the significance of the asset" [italic] it removes the ability to balance the harm with public benefits that the above paragraphs of the NPPF allows for.

Modifications: • The Policy is therefore missing key wording that states 'if development fails to conserve or enhance significance, any harm identified would need to be balanced against the public benefits'.

[bold] Recommendations: [bold] Policy HH1 should be reworded to align with the NPPF and allow for harm to be weighed against the public benefits of the scheme.

Requested to attend examination?: Yes

Ref: D-01-11-HH1

Representor: Devon Archaeological Society

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: HH1: Conserving and enhancing heritage assets (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: In failing to observe the NPPF requirement to maintain and make available a Historic Environment Record (HER), and in failing to use the dormant HER in the preparation of the Heritage Impact Assessments for the draft plan, ECC is in breach of its legal responsibilities (NPPF, para. 205, December 2024 edition).

The wording of the policies on the historic environment is unimpeachable, but this is invariably at odds with the 'evidence base' as provided in the Heritage Impact Assessment and Sustainability Appraisal Site proformas. These assessments take no account of any of the recent work on the historic core area of the city, nor on the outer 'greenfield areas'. As a result this is an unsound basis on which to consider the impact of the proposals of the Exeter plan upon the historic environment. This major lacuna undermines the policies themselves by giving incorrect information about the likely archaeological implications on many of the development sites, especially the group of brownfield sites within and/or adjacent to the walled circuit on which so much of the emphasis of the housing policies of the plan is based. As examples we might quote the South Gate (HIA pp. 121 - 24) and North Gate/Mary Arches (pp. 108 - 14) sites in the historic core of Exeter, which are, by any judgement, highly sensitive and will contain many, varied and probably highly complex archaeological deposits (as is known from past excavations in their vicinities), yet are classed as 'amber' in the scoring matrix. To take out-of-town examples the various sites in the Digby area, which is known from previous excavations to have extensive survival of prehistoric archaeology (sites 79-82; HIA pp. 182-189, SA pp.249-64: all rated 'green'), or the related sites to the south in Old Rydon Lane and Newcourt Road (sites 83, HIA pp. 189-91; 89-91, pp. 201-08, SA pp. 265-68 and 285-300, rated 'yellow' or 'green') are all likely to have significant archaeological remains. In short there appears to be no acknowledgement or cognizance of all of the work that has taken place in this area in the last 25 years, and which would lead to the reasonable assumption that significant below-ground archaeology is likely to be encountered on these sites.

We believe this major shortcoming is attributable to the fact that little or no attention has been paid to the extensive and site-specific information available within the Exeter Historic Environment Record (HER, for the central area of the historic city) and Devon County HER for the remainder of the area within the city boundary. That these resources have been neglected or ignored, when they have been built up over many years for precisely this purpose, is unfortunate, nay incredible. In failing to maintain and make available the HER (and use it in the preparation of the Heritage Impact Assessments in support of the draft plan), ECC is in breach of its legal responsibilities (NPPF, para. 205, December 2024 edition).

We, the Devon Archaeological Society, have found it impossible to accommodate all of our comments and

suggestions on the Plan within the constraints imposed by these forms. As a result we are also attaching our letter of response to the email by which these forms are submitted.

Modifications: HER to be maintained, updated, made available and used in preparation/revision of Heritage Impact Assessment.

Heritage Impact Assessments to accommodate site-specific information from Exeter and Devon County Historic Environment Records. Site rating system to be critically evaluated in relation to such information and not massaged downwards to minimise impact, as the present treatment appears (to the informed observer) to do.

Requested to attend examination?: Yes

Ref: B-03-11-HH2

Representor: Historic England

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: HH2: Conservation Areas

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: We recommend adjustments to this policy to ensure that it is consistent with legislation (Planning (Listed Buildings and Conservation Areas) Act 1990 s72) and national policy and that the Plan is internally consistent.

Modifications: "Development proposals should will be required to ~~conserve~~ and enhance the distinctive character, appearance, special architectural value and historic significance of Conservation Areas. In drawing up and assessing the impacts of their proposals, applicants should consult the Council's Conservation Area Appraisals and Management Plans."

Development proposals which would result in ~~significant~~ ~~harm~~ to a Conservation Area will be considered according to the provisions in Policy HH1 ~~only be supported if the public benefits clearly outweigh the harm.~~"

Requested to attend examination?: -

Ref: B-03-11-HH3

Representor: Historic England

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: HH3: Archaeology

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: While we welcome the strong resistance to harm to nationally significant archaeology contained in Policy HH3, to ensure this is consistent with national policy, this ought to encompass some flexibility. Alternative wording is proposed.

NPPF paragraph 207 states that "Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation." The HIA identified many such instances on the proposed site allocations. It would therefore be appropriate for the Council to require this in Policy HH3.

We also consider that the policy should respond to the HIA which notes that on some sites with significant archaeology, re-use of existing buildings or footings could help to achieve redevelopment with limited impact on archaeology (e.g. ref 51: 12-31 Sidwell Street, and ref 100: Fever and Boutique, Mary Arches Street).

Modifications: "Development proposals which would cause harm to a site, monument or structure of national archaeological importance, whether scheduled or unscheduled, or which would cause harm to its setting, ~~will not be permitted~~ ~~[strikethrough]~~ should be avoided. Development proposals will be required to preserve, and where practical, improve access to and interpretation of, nationally important archaeological remains, in situ."

Insert new paragraph into Policy HH3: "Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, developers should submit a desk-based assessment and, where necessary, a field evaluation."

"On sites where there is significant archaeology, particular consideration should be given to re-use of buildings or their foundations as a means of limiting impacts."

Requested to attend examination?: -

Ref: D-01-11-HH3

Representor: Devon Archaeological Society

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: HH3: Archaeology

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: In failing to observe the NPPF requirement to maintain and make available a Historic Environment Record (HER), and in failing to use the dormant HER in the preparation of the Heritage Impact Assessments for the draft plan, ECC is in breach of its legal responsibilities (NPPF, para. 205, December 2024 edition).

The wording of the policies on the historic environment is unimpeachable, but this is invariably at odds with the 'evidence base' as provided in the Heritage Impact Assessment and Sustainability Appraisal Site proformas. These assessments take no account of any of the recent work on the historic core area of the city, nor on the outer 'greenfield areas'. As a result this is an unsound basis on which to consider the impact of the proposals of the Exeter plan upon the historic environment. This major lacuna undermines the policies themselves by giving incorrect information about the likely archaeological implications on many of the development sites, especially the group of brownfield sites within and/or adjacent to the walled circuit on which so much of the emphasis of the housing policies of the plan is based. As examples we might quote the South Gate (HIA pp. 121 - 24) and North Gate/Mary Arches (pp. 108 - 14) sites in the historic core of Exeter, which are, by any judgement, highly sensitive and will contain many, varied and probably highly complex archaeological deposits (as is known from past excavations in their vicinities), yet are classed as 'amber' in the scoring matrix. To take out-of-town examples the various sites in the Digby area, which is known from previous excavations to have extensive survival of prehistoric archaeology (sites 79-82; HIA pp. 182-189, SA pp.249-64: all rated 'green'), or the related sites to the south in Old Rydon Lane and Newcourt Road (sites 83, HIA pp. 189-91; 89-91, pp. 201-08, SA pp. 265-68 and 285-300, rated 'yellow' or 'green') are all likely to have significant archaeological remains. In short there appears to be no acknowledgement or cognizance of all of the work that has taken place in this area in the last 25 years, and which would lead to the reasonable assumption that significant below-ground archaeology is likely to be encountered on these sites.

We believe this major shortcoming is attributable to the fact that little or no attention has been paid to the extensive and site-specific information available within the Exeter Historic Environment Record (HER, for the central area of the historic city) and Devon County HER for the remainder of the area within the city boundary. That these resources have been neglected or ignored, when they have been built up over many years for precisely this purpose, is unfortunate, nay incredible. In failing to maintain and make available the HER (and use it in the preparation of the Heritage Impact Assessments in support of the draft plan), ECC is in breach of its legal responsibilities (NPPF, para. 205, December 2024 edition).

We, the Devon Archaeological Society, have found it impossible to accommodate all of our comments and

suggestions on the Plan within the constraints imposed by these forms. As a result we are also attaching our letter of response to the email by which these forms are submitted.

Modifications: HER to be maintained, updated, made available and used in preparation/revision of Heritage Impact Assessment.

Heritage Impact Assessments to accommodate site-specific information from Exeter and Devon County Historic Environment Records. Site rating system to be critically evaluated in relation to such information and not massaged downwards to minimise impact, as the present treatment appears (to the informed observer) to do.

Requested to attend examination?: Yes

Ref: D-06-11-HH3

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: HH3: Archaeology

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: What is meant by “national”, “regional” and “local” importance? Developers should be able to easily ascertain at an early stage whether any of these apply to their site.

Modifications: -

Requested to attend examination?: No

Ref: B-02-11-HH4

Representor: Environment Agency

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: HH4: Heritage assets and climate change

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: We support the inclusion of this specific policy.

Modifications: -

Requested to attend examination?: -

Ref: B-03-11-HH4

Representor: Historic England

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: HH4: Heritage assets and climate change

Paragraph: 11.42

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Title - Historic England supports the aims of this policy, but we are concerned that at present it is not sufficiently broad or accurate to be justified, effective and consistent with national policy. When adapting and retrofitting historic buildings for climate change, a different approach is needed to buildings of modern construction to avoid maladaptation (e.g. unforeseen impacts on the buildings conservation and performance). This includes not only designated and non-designated heritage assets, but all buildings of traditional construction (generally those built before 1919 or with similar methods). These considerations would be relevant to a significant portion of Exeter's building stock, whether or not it meets the criteria to be considered a 'heritage asset'. We therefore consider the policy title needs to be adjusted.

11.42 - While we welcome much of the supporting text, we consider this should be adjusted to include specific reference to the difference between modern and historic fabric, and to highlight that the 'whole building approach' should be taken.

Policy HH4: NPPF paragraph 161 states that the planning system should 'encourage the reuse of existing resources, including the conversion of existing buildings...'. This is a broad statement and we believe that this encouragement should be incorporated into Policy HH4. Currently the second paragraph of Policy HH4 focuses only on 'non- designated heritage assets', a specific group likely to include locally listed buildings and positive buildings in conservation areas. We consider that this paragraph should be re-drafted and the policy preferably re-ordered to put this positive encouragement first, as part of the Plan's positive strategy for heritage (NPPF para 203).

Modifications: Change title of policy to:

"HH4: Historic buildings and climate change ~~Heritage assets~~ ~~and climate change~~"

If necessary, references to this policy should also be adjusted elsewhere in the Plan to reflect the title.

Amend paragraph 11.42 as follows: "11.42 Addressing and adapting to climate change may require alterations to historic buildings or development that affects heritage assets, including their settings.

This could include development or retrofit to ensure the building's retention, energy generation, or protection from flooding. It is important to be aware of the differences between modern and historic building fabric, as standardised methods (including a 'fabric first' approach) are often inappropriate for historic buildings and can impact on their character and reduce their performance. A holistic view and a 'whole building' approach should be taken when considering such alterations..."

Redraft second paragraph of HH4 and place at start of policy:

~~“~~Development proposals that contribute to addressing climate change and affect non-designated heritage assets will be supported where they ~~“~~The repair, retrofit and adaptively reuse of historic buildings should be given priority over demolition, reflecting their significance and contribution to the townscape, the need to minimise embodied carbon emissions, improve energy performance and adapt to climate change. Proposals should employ a ‘whole building approach’ and include measures appropriate to the age and fabric of the building, in accordance with appropriate guidance and British Standards.”

Requested to attend examination?: -

Ref: B-03-11-HH5

Representor: Historic England

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: HH5: Conserving and enhancing Exeter City Walls

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: While we are very supportive of Policy HH5, an adjustment is needed to ensure that it is consistent with national policy (as per our comments on HH3 Archaeology).

Scheduled Monuments are covered by the Ancient Monuments and Archaeological Areas Act. We understand that the Exeter City Council Act 1987 contains additional provisions relating to the City Wall e.g. relating to its maintenance and repair and we suggest that these are outlined in supporting text to Policy HH5.

Modifications: "The Exeter City Walls play an important role in defining the historic city, contribute to the social, cultural and economic life of the city, and as a Scheduled Monument covered by the ~~Exeter City Wall~~ Ancient Monuments and Archaeological Areas Act, are legally protected due to their national historic importance. Development proposals that cause harm or restrict public access, to the Exeter City Walls should be avoided ~~will not be permitted.~~"

Replace reference to Exeter City Wall Act in Policy with supporting text indicating how the Exeter City Council Act 1987 relates to the City Wall.

Requested to attend examination?: -

Ref: D-01-11-HH5a

Representor: Devon Archaeological Society

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: HH5: Conserving and enhancing Exeter City Walls

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: While we note with approval the section on 'Conserving and enhancing the Exeter City Walls', with its statements on the overall significance of the city wall and policy HH5, we have two principal objections. First is that the policy is not sound because it fails to acknowledge that the greater part of the circuit of the city wall is owned by the City Council and therefore the maintenance and repair of the wall is the City's responsibility. We note with concern that there are several allusions to repairs and maintenance of the wall as conditional upon obtaining funding (e.g. 11.46; policy HH5), with the implication that this would be external funding and that the maintenance of the wall is, in some way, an 'optional extra'. This Society views the City's responsibility to maintain and repair the city wall as absolute, not conditional, one that arises in the origin of the Roman town defences in the second century A.D. and spans the intervening medieval and later centuries. Exeter's city wall is one of the most spectacular and complete examples in the country, and we would observe that not only does its historical and archaeological importance appear to be undervalued by the current City Council, but also that its cultural and tourism potential (and hence its potential economic value to the City) is being overlooked. We would add that the masonry wall that is the scheduled ancient monument is one component of a defensive ensemble comprising an earth rampart inside the wall and ditches on the outside. The rampart survives above ground in the vicinity of the Cathedral on the south-east side of the city, but is present as buried archaeology in many places and should always be taken into account wherever sites in close proximity to the city wall are under consideration.

Second is the fact that, whatever the professed content of the policy, contemporary planning practice does not have sufficient regard for the importance of the city wall, and so the statement that 'development proposals that cause harm or restrict public access to the Exeter City Walls will not be permitted.' (policy HH5, para 1) is incorrect. In reality, proposals that do just this are being permitted (examples of the development of private dwellings to the north-east of north gate in 2010, which has restricted access to a section of the wall that was formerly open and free; or the proposed Harlequins development, given consent in 2021, which encroaches close to the wall, and will certainly result in harm to the setting of the monument and damaging impact on its associated earth ramparts/buried archaeology).

We might add that the failure over many years to carry out basic maintenance and removal of vegetation on a regular basis has itself set up situations where harm is caused to the monument and public access is impaired.

We, the Devon Archaeological Society, have found it impossible to accommodate all of our comments and suggestions on the Plan within the constraints imposed by these forms. As a result we are also attaching our letter of response to the email by which these forms are submitted.

Modifications: ECC (as the inheritor of the past civic authorities who built, repaired and maintained the city wall) to acknowledge its ownership and direct responsibility for maintaining and repairing the city wall. Implementation of policy to be more aware of the need to prevent harm and maintain public access to the monument in assessing applications.

Basic maintenance and clearance of vegetation to be carried out on a regular basis to pre-empt more serious structural problems arising.

Such steps would endow the policy with consistency and integrity (sc. soundness).

Requested to attend examination?: Yes

Ref: D-01-11-HH5b

Representor: Devon Archaeological Society

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: HH5: Conserving and enhancing Exeter City Walls

Paragraph: 11.47

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: We note that the text of the Plan has not been carefully proof read and that additions and alterations since the previous draft have not always been followed through by correction of cross references and the like. We noted errors of this sort on p. 25 (where in line 2 'HH2' should now read 'HH4'), and p. 105 (where at 11.47 'HH3' should now read 'HH5'), and there may have been other similar instances we did not note in reading the text. Care will be needed to ensure accurate cross-referencing in the final version.

Modifications: [...] at 11.47 'HH3' should now read 'HH5'.

Requested to attend examination?: Yes

Ref: D-06-11-HH5a

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: HH5: Conserving and enhancing Exeter City Walls

Paragraph: 11.46

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The formulation that 'contributions from development proposals will be encouraged to ensure enhancements are carried out' reads too weak and is not in line with the stronger wording in the 2nd paragraph of HH5.

The whole paragraph remains vague, as no criteria is named when contributions will be sought and for what exactly. One would expect something on continuous maintenance cycles and on the kinds of jobs to be undertaken, like, for example, removing weeds, maintaining access along the walls et al.

Modifications: ECS suggests: 'proposals will be required to ensure enhancements'.

ECS requests some more details.

Requested to attend examination?: Yes

Ref: D-06-11-HH5b

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: HH5: Conserving and enhancing Exeter City Walls

Paragraph: 11.47

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: [Paragraph 11.47] is badly written and does not make sense. It currently says: 'Policy HH3 recognises the importance of the Walls Scheduled Monument to Exeter and sets out how development will be required to [underline] response [underline] to this.

Should the underlined word be 'respond'?

Modifications: Improve grammar.

Requested to attend examination?: No

Ref: H-14-11-HH5

Representor: Anonymous

Chapter/section of the Exeter Plan: 11 - History and heritage

Policy: HH5: Conserving and enhancing Exeter City Walls

Paragraph: 11.46

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: -

Comments: Paragraph 11.46 seems to imply repairs to the wall by the council will only occur with funds from permitted developments.

Modifications: It should be made clear that council funds already exist for repairs to the wall (yet frustratingly don't seem to be being used) and that any funding from developments should in addition to this....

Requested to attend examination?: No

Ref: D-05-12-X

Representor: Exeter Cathedral

Chapter/section of the Exeter Plan: 12 - Culture and tourism

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: -

Comments: [Chapters 11 & 12] Our first concern is our disappointment that the cathedral features so little in the plan; a small number (seven) of largely peripheral mentions, and featuring well down a list of cultural assets. The cathedral is the city's principal tourist and cultural asset, and very largely the reason the city has the importance that it does today; the cathedral is arguably the finest intact example of late decorated gothic architecture in the country, and a major reason why people visit the city. No specific policies within the plan support or enhance the cathedral's role, or allocate the cathedral specific roles within the cultural and visitor offer of the city.

Modifications: We would wish to work with the city council in defining a more bespoke plan for the cathedral's place in the city plan.

Requested to attend examination?: Yes

Ref: F-01-12-X

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: 12 - Culture and tourism

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: D-03-12-C1

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: 12 - Culture and tourism

Policy: C1: Protecting and enhancing cultural and tourism facilities (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [italic] 'The temporary use of sites for cultural activities, particularly in locations where they can help to animate the public realm, will be supported where they will not harm local amenity.' [italic] 'or biodiversity' needs to be added to the end of the sentence.

Requested to attend examination?: -

Ref: C-03-12-C2

Representor: Anne Codner

Chapter/section of the Exeter Plan: 12 - Culture and tourism

Policy: C2: Development and cultural provision (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: We object to this draft policy, which, at present, states that [italic] "All planning applications for large scale development proposals should be accompanied by a Cultural Plan ... ". [italic]

We object to this draft Policy as written on the following grounds:

- Firstly, there is no definition of what "large scale" means. This is not effective enough for development management purposes.
- Secondly, there does not appear to be justification or evidence published as part of the consultation to support the blanket requirement for such a document on large scale development proposals.

Modifications: We therefore urge the Council to reconsider this policy, and unless sufficient evidence is prepared to justify its inclusion it is deleted in full.

Requested to attend examination?: Yes

Ref: C-07-12-C2

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: 12 - Culture and tourism

Policy: C2: Development and cultural provision (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Policy C2 (Development and cultural provision) requires:

All planning applications for large scale development proposals should be accompanied by a Cultural Plan demonstrating how the development will contribute to local cultural provision in proportion to the scale of development.

The Client queries this requirement on the basis that:

- A Cultural Plan is not a recognised planning application requirement used by other councils across the UK.
- 'Large scale' is ambiguous and the exact size and nature of the development alongside the location of the development, the surrounding existing facilities and the type of development can all influence cultural provision requirements.
- Subsequently, a full Cultural Plan document may not be necessary or relevant to all large scale planning applications. For example, proposals that involve the loss/replacement/development of a cultural use would require greater commentary on the matter as opposed to a PBSA-led development. This requirement could therefore overcomplicate applications and unnecessarily increase the number of documents that consultants have to prepare and planning officers have to review, slowing down the planning process.

Modifications: • As such, the requirement of such a plan should be determined on a case-by-case basis, with a separate document only required for those applications that involve cultural uses. For other large scale applications this could be covered within the planning statement if required.

Recommendation: Policy C2 is amended to determine the requirement for the submission of a separate Cultural Plan document on a case-by-case basis.

Requested to attend examination?: Yes

Ref: C-15-12-C2

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 12 - Culture and tourism

Policy: C2: Development and cultural provision (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: At present, the draft Policy states that [italic] “All planning applications for large scale development proposals should be accompanied by a Cultural Plan ... ”. [italic]

Edenstone object to this draft Policy as written on the following grounds:

- Firstly, there is no definition of what “large scale” means. This is not effective enough for development management purposes.
- As written, this would apply equally to suburban greenfield sites allocated for purely housing, as well as major city centre mixed use schemes. Edenstone understand why it may be beneficial for city centre mixed use schemes to consider this, however, there is no justification or evidenced need for such a document on residential sites, particularly out of “civic” areas such as the City Centre.

Modifications: Edenstone thus urge the Council to review this draft Policy to remove the requirement for this, at least on suburban residential sites.

Requested to attend examination?: Yes

Ref: C-25-12-C2

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 12 - Culture and tourism

Policy: C2: Development and cultural provision (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Morgan Real Estate object to this draft policy, which, at present, states that “All planning applications for large scale development proposals should be accompanied by a Cultural Plan ... ”.

We object to this draft Policy as written on the following grounds:

- Firstly, there is no definition of what “large scale” means. This is not effective enough for development management purposes.
- Secondly, there does not appear to be justification or evidence published as part of the consultation to support the blanket requirement for such a document on large scale development proposals.

Modifications: Morgan Real Estate therefore urge the Council to reconsider this policy, and unless sufficient evidence is prepared to justify its inclusion it is deleted in full.

Requested to attend examination?: Yes

Ref: C-40-05-C2

Representor: TT Group

Chapter/section of the Exeter Plan: 12 - Culture and tourism

Policy: C2: Development and cultural provision (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: TT Group object to this draft policy, which, at present, states that “All planning applications for large scale development proposals should be accompanied by a Cultural Plan ... ”.

We object to this draft Policy as written on the following grounds:

- Firstly, there is no definition of what “large scale” means. This is not effective enough for development management purposes.
- Secondly, there does not appear to be justification or evidence published as part of the consultation to support the blanket requirement for such a document on large scale development proposals.

Modifications: TT Group therefore urge the Council to reconsider this policy, and unless sufficient evidence is prepared to justify its inclusion it is deleted in full.

Requested to attend examination?: -

Ref: D-03-13-X

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: 13 - High quality places and design

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: In tackling climate change and placing less pressure on the surrounding landscape, we would urge the council to make new housing carbon neutral/positive. Integrating renewable energy (e.g. solar, wind, geothermal, heat capture, solar gain) into new housing as standard and ensuring high quality insulation is critical to this. It is clear that the opportunity for achieving this and enabling culture change is best done as early in the process as possible, so demanding this of all new housing is critical. New developments continue to impact the water environment, causing pollution and flooding issues on site and elsewhere. Separating surface water from foul water at source is critical for reducing pollution of waterways in an increasingly stormy environment and must be a commitment in this plan. Infiltration of water to soil (on most soils) reduces surface water flooding so the plan must state that new developments must incorporate measures to achieve this including porous surfaces, SUDS and more nature-rich greenspace. Building new homes on floodplains has historically led to flooding issues and is clearly not sensible in light of climate change (rising sea levels and increased storms producing greater and more regular fluvial and coastal flooding). We strongly advocate a move away from building on floodplains.

Requested to attend examination?: -

Ref: D-09-13-X

Representor: RSPB

Chapter/section of the Exeter Plan: 13 - High quality places and design

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: RSPB supports this policy's recognition of the importance of providing green infrastructure and access to nature (implicit in the latter is that Exeter protected and enhances its nature assets).

Modifications: -

Requested to attend examination?: No

Ref: B-02-13-D1

Representor: Environment Agency

Chapter/section of the Exeter Plan: 13 - High quality places and design

Policy: D1: Design principles (Strategic policy)

Paragraph: Bullet b

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: We support the various references to climate, carbon and adaptation in reference to design in particular bullet b in policy D1.

Modifications: -

Requested to attend examination?: -

Ref: B-03-13-D1

Representor: Historic England

Chapter/section of the Exeter Plan: 13 - High quality places and design

Policy: D1: Design principles (Strategic policy)

Paragraph: 13.9

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Supporting text 13.9 - Adjustment needed for consistency. Consistent with our comments elsewhere in this response, we suggest that paragraph 13.9 refers to the Stage 1 Skyline and Views report only.

We welcome Part e of Policy D1 but request a minor adjustment to ensure that buildings are conserved according to their level of heritage significance or townscape value, and not only if this is considered to be 'high'. This will help to ensure the policy is consistent with national policy.

Modifications: 13.9 -... The ~~[strickethrough]~~ Viewpoints, Density and Heights Study ~~[strickethrough]~~ [underline] Exeter Skyline and Views Report [underline] should be referred to in preparing proposals for development.

D1: Design principles - "e. Respect the historic environment and retain and refurbish existing buildings [underline] according to their [underline] ~~[strickethrough]~~ of high ~~[strickethrough]~~ townscape and historic value, enhancing their setting wherever possible;"

Requested to attend examination?: -

Ref: B-05-13-D1

Representor: National Grid Electricity Transmission

Chapter/section of the Exeter Plan: 13 - High quality places and design

Policy: D1: Design principles (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: [bold] Utilities Design Guidance [bold]

The increasing pressure for development is leading to more development sites being brought forward through the planning process on land that is crossed by NGET.

NGET advocates the high standards of design and sustainable development forms promoted through national planning policy and understands that contemporary planning and urban design agenda require a creative approach to new development around high voltage overhead lines and other NGET assets.

Therefore, to ensure that proposed Design Policy D1 is consistent with national policy we would request the inclusion of a policy strand such as:

[italics] "Take a comprehensive and co-ordinated approach to development including respecting existing site constraints including utilities situated within sites." [italics]

Modifications: Therefore, to ensure that proposed Design Policy D1 is consistent with national policy we would request the inclusion of a policy strand such as:

[italics] "Take a comprehensive and co-ordinated approach to development including respecting existing site constraints including utilities situated within sites." [italics]

Requested to attend examination?: -

Ref: D-06-13-D1a

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 13 - High quality places and design

Policy: D1: Design principles (Strategic policy)

Paragraph: 13.11

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Paragraph 13.11 requires development to take account of Design Codes and other SPDs, and cites the only Design Code the city has for Water Lane. However, the final sentence says that 'Further design codes [bold] may [bold] be developed by the City Council'.

This is inconsistent with paragraph 13.6 which recognises that 'placemaking and design are vital at every stage... They can only be achieved by considering all [bold] relevant issues [bold] at the [bold] earliest possible stage [bold] and by [bold] taking a collaborative approach that involves the community and stakeholders.' [bold]

It is therefore essential that Design Codes are developed at an early stage by the council to ensure that the community and stakeholders are involved collaboratively at the earliest possible stage.

ECC's current local plan committed them to producing a master plan for the Water Lane area but never did until after a developer had drawn up their own master plan which did not take account of all the relevant issues. Design Codes must be developed by ECC at the earliest stage as 13.6 to ensure that the community's voice is heard before developers start to dictate the scale of development. A well prepared design code will alert developers to the needs of an area, including critical infrastructure, and enable them to pay an appropriate price for sites, thus reducing the need for viability appraisals which may remove the need for the needs of the area, such as affordable housing.

Modifications: The final sentence of 3.11 should read 'Further Design Codes will be developed by the City Council for all major sites, and no development proposals should come forward until the Design Codes are adopted as an SPD.'

Requested to attend examination?: Yes

Ref: D-06-13-D1b

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 13 - High quality places and design

Policy: D1: Design principles (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: -

Comments: D1c uses the term 'appropriate densities' but what does this mean? In the supporting paragraph 13.9 the term 'optimal density' is used and suggests that the Viewpoints, Density and Heights Study should be referred to where presumably there is a definition of optimal density.

D1h. 'Adopt contemporary and innovative design solutions'; suggests innovation for the sake of innovation but this approach needs to be applied within proven parameters and best-practices.

Modifications: In D1c change 'appropriate densities' to 'optimal density'. Or preferred option, in 13.9 add wording which directs the reader to a definition of 'appropriate densities' and include this term in the Glossary.

D1h should read: 'Adopt contemporary and innovative design solutions that are proven best-practice approaches;'

Requested to attend examination?: No

Ref: D-07-13-D1

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 13 - High quality places and design

Policy: D1: Design principles (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: D1: Design principles (strategic policy)

Policy D1 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

This policy states that all development must take into account any relevant guidance outlined in any adopted design-related Supplementary Planning Document and / or design code.

This part of the policy seems to be seeking to give Local Plan policy status to SPDs which is not appropriate and contrary to national guidance. Planning policy must be made through the Local Plan process and be subject to the requirements for public consultation and independent scrutiny through the Examination process.

The HBF suggests that the Council needs to give more thought to how the Design policies interact with the Council's aspirations for higher density development in Exeter is both realistic deliverable and viable, and how this can be done in a way that delivers good design and other policy requirements, such as BNG and public open space, whilst ensuring development remains viable.

Modifications: [...] This part of the policy seems to be seeking to give Local Plan policy status to SPDs which is not appropriate and contrary to national guidance. Planning policy must be made through the Local Plan process and be subject to the requirements for public consultation and independent scrutiny through the Examination process.

The HBF suggests that the Council needs to give more thought to how the Design policies interact with the Council's aspirations for higher density development in Exeter is both realistic deliverable and viable, and how this can be done in a way that delivers good design and other policy requirements, such as BNG and public open space, whilst ensuring development remains viable.

Requested to attend examination?: Yes

Ref: F-01-13-D1

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: 13 - High quality places and design

Policy: D1: Design principles (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: Policy [D1] does not take the opportunity of listing the importance of community balance as a key necessity in the design principles to be adopted. Para 12.1 should be amended to ensure that in any proposed development the issue of community balance should be fully considered. The need for community balance in a city where during term time there are tens of thousands of students and empty streets during vacations is clear. There are already parts of Exeter where community balance has been lost and this is detrimental to the quality of life of the settled population.

Modifications: Policy D1k should be amended to read: are designed to be inclusive to all groups and should ensure that there is community balance both within the development and within the area immediately adjacent to the development.

Requested to attend examination?: Yes

Ref: G-28-13-D1

Representor: Richard Smith

Chapter/section of the Exeter Plan: 13 - High quality places and design

Policy: D1: Design principles (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: There should be a general provision in the Exeter Plan that mandates buildings within new developments must not be any more than two stories higher than their lowest neighbours.

Modifications: -

Requested to attend examination?: -

Ref: D-06-13-D2

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 13 - High quality places and design

Policy: D2: Designing-out crime

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: -

Comments: D2a: 'Be designed with management and maintenance in mind to discourage crime, fear of crime and antisocial behaviour' – this needs to also include a reference to maintain these as designs intended. ECS's concern is that spaces that have considered in the design how it helps to reduce crime, particularly those in the public realm, are not maintained and thus encourage anti-social behaviours and crime. Crude examples include spaces such as children's playgrounds that are not repaired, or graffiti not removed quickly.

Modifications: [bold] Add new D2h: 'Ensure that proven funded management and maintenance systems processes are in place after construction' [bold]

Requested to attend examination?: No

Ref: B-03-13-D3

Representor: Historic England

Chapter/section of the Exeter Plan: 13 - High quality places and design

Policy: D3: Advertisements

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: We welcome the explicit recognition of the historic environment within this policy as an aspect of amenity.

Modifications: -

Requested to attend examination?: -

Ref: D-03-13-D3

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: 13 - High quality places and design

Policy: D3: Advertisements

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The introduction of poorly designed lighting can have devastating impacts on biodiversity, particularly as there are known roosts of rare bat species in the city. 'Proposals for advertisements will be supported where individually and cumulatively they would not harm amenity or public safety taking account of' requires the addition of 'biodiversity' alongside amenity and public safety.

Modifications: [...] 'Proposals for advertisements will be supported where individually and cumulatively they would not harm amenity or public safety taking account of' requires the addition of 'biodiversity' alongside amenity and public safety.

Requested to attend examination?: -

Ref: D-06-13-D3

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 13 - High quality places and design

Policy: D3: Advertisements

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: -

Comments: paragraph 13.21 references the need to avoid street clutter but this critical aspect is not included in the Policy D3

Modifications: In D3 add: 'f. whether cumulative visual clutter will harm the streetscape.'

Requested to attend examination?: No

Ref: F-01-14-X

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: G-10-14-X

Representor: Hamish Duncan (Dr)

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: No

Comments: Councils have a duty of care in the provision of access to health services. This is ignored in the document, the focus being on health living and environments. Reference is made to the many GP surgeries and the hospital, but no acknowledgment of the impact on these services by the growth in population is made, namely that the existing primary care estate has very limited ability to expand and most surgeries are full to or beyond capacity already, and the hospital is too small for the existing population. Unless significant and sustained discussion is held with the ICB in order to plan for the actual delivery of health to the population, the council is in breach of their duty to provide access to health services (Care act 2014)

Modifications: -

Requested to attend examination?: No

Ref: C-07-14-HW1

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: HW1: Health and wellbeing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: Policy HW1 (Health and wellbeing) states that:

Contributions towards improved GP provision will be sought where necessary.

The Client objects to the inclusion of this point, making the following comments:

- In line with national legislation and guidance as well as general good practice, whilst we acknowledge S106 and CIL levies can both be used on a development to fund infrastructure, CIL and S106 requests should not both be used to charge for a certain type of infrastructure. Where development is CIL liable, it is unclear why CIL contributions cannot be used to fund any healthcare infrastructure requirements.
- Furthermore, Exeter's Annual Infrastructure Spending Statement (2023/24), lists an Integrated Primary Care Centre (Wonford Integrated Health and Wellbeing Hub) as a project which would be funded through CIL.
- In addition to this, the latest CIL Charging Schedule was adopted on 1 January 2024. Consultation on the draft charging schedule took place between 14 December 2022 and 25 January 2023. As part of this consultation, NHS Property Services submitted a letter (dated 25 January 2023), which states that "The NHS and Council should work collaboratively to ensure the delivery of vital healthcare infrastructure, including access to CIL funds for the delivery of health infrastructure projects.". This shows that the NHS also encourage the use of CIL for the delivery of such projects.
- As such, if healthcare contributions were also to be sought through s106 contributions they would be duplicated and wrongly double counted.
- The current wording along with the supporting text does not provide enough clarification on what would constitute as 'where necessary'. This is in terms of both types of developments and the trigger for such contributions.
- For example, with regards to type of development, the Client argues that such contributions should not be sought from PBSA developments as:

a) A number of students may choose to register with the University of Exeter's Health Service as opposed to a local GP. The Student Health Service may therefore take a material amount of any increased demand

b) There may be students who are choosing to reside in a PBSA development over different or existing accommodation in Exeter, including those who may already live in the City. As a result, these students will not create increased demand.

c) Many students remain registered with their GP practice at their home address as opposed to reregistering with a practice at their university address.

d) PBSA developments will put less pressure on local healthcare services based on the fact that they are occupied by students who will predominantly be 18-25 year olds and who therefore typically access primary health care on a more infrequent basis compared to other age groups.

e) Students will not reside at PBSA for the full 52 weeks of the year as student tenancy agreements are shorter than this.

- With regards to the trigger that would need to be met for such a contribution to be justified, there is no information or evidence base provided to detail what this would be based on, how this would be calculated and how a subsequent contribution would then be calculated and what this would then be spent on including the proximity to the site in question.

- As such, the Client argues that the current wording of the policy would lead to contribution requests that would not meet the statutory 'tests' set out in Regulation 122(2) of the CIL regulations.

- The matter of healthcare contributions has been deliberated in two recent court rulings including University Hospitals of Leicester NHS Trust vs. Harborough District Council [2023] and Worcestershire Acute Hospitals NHS Trust, R (On the Application Of) v Malvern Hills District Council & Ors [2023] EWHC 1995 (Admin) [31 July 2023].

- Key points that can be drawn from these cases are:

a) A s106 obligation should not be requested from a proposed development in a particular area unless there is a clearly demonstrated 'funding gap' required to address the additional demand arising from the population uplift associated with the residents of the new development.

b) This should usually be for part of the first year of occupation of a new residential development as, after that point, the forward funding arrangements in the NHS should provide for services to be funded.

c) In the absence of a clear 'funding gap', there would be no relevant impacts to justify a s106 contribution in accordance with CIL regulations.

d) The question as to whether healthcare contributions are in principle payable at all was left open. We are not aware of a later case that has taken this point any further.

- In accordance with this Case Law, the current ambiguous wording of the policy does not provide sufficient justification for capital contributions of this kind.

Modifications: [bold] Recommendation: [bold] The point regarding contributions to GP provision should be removed from Policy HW1 as this is not legally compliant.

Requested to attend examination?: Yes

Ref: C-08-14-HW1

Representor: Churchill Living and McCarthy Stone

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: HW1: Health and wellbeing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The draft policy states that:

Applications for large scale residential development proposals will be accompanied by a proportionate Health Impact Assessment demonstrating how the proposal will: a. Promote community inclusion; b. Encourage healthy neighbourhoods; c. Promote active lifestyles; d. Have a positive impact on health and wellbeing; and e. Ensure public safety and minimise crime through appropriate design. Where any potential adverse health and wellbeing impacts are identified, the applicant will be expected to demonstrate how these will be mitigated. Contributions towards improved GP provision will be sought where necessary. Development proposals for new healthcare facilities will be supported where they are easily accessible by public transport and link effectively to walking and cycling routes. Development proposals for the multi-use and co-location of healthcare provision with other services and facilities to support the convenient coordination of local services will be supported.

We would argue that this policy should not apply to specialist housing proposals for older people. there is a common misconception that older persons housing places an additional burden on healthcare infrastructure. Any such policy should recognise the significant health benefits that delivering older peoples housing can bring to individuals reduce the demands exerted on Health and Social Services and other care facilities “ not only in terms of the fact that many of the residents remain in better health, both physically and mentally, but also doctors, physiotherapists, community nurses, hairdressers and other essential practitioners can all attend to visit several occupiers at once. This leads to a far more efficient and effective use of public resources.

A report [italic] 'Healthier and Happier' An analysis of the fiscal and wellbeing benefits of building more homes for later living' [italic] by WPI Strategy for Homes for Later Living explored the significant savings that Government and individuals could expect to make if more older people in the UK could access this type of housing. The analysis showed that:

- 'Each person living in a home for later living enjoys a reduced risk of health challenges, contributing to fiscal savings to the NHS and social care services of approximately £3,500 per year.
- Building 30,000 more retirement housing dwellings every year for the next 10 years would generate fiscal savings across the NHS and social services of £2.1bn per year.
- On a selection of national well-being criteria such as happiness and life satisfaction, an average person aged 80 feels as good as someone 10 years younger after moving from mainstream housing to housing specially

designed for later living.'

In addition, specifically designed housing for older people offers significant opportunities to enable residents to be as independent as possible in a safe and warm environment. Older homes are typically in a poorer state of repair, are often colder, damper, have more risk of fire and fall hazards. They lack in adaptations such as handrails, wider internal doors, stair lifts and walk in showers. Without these simple features everyday tasks can become harder and harder.

Comments have been made in respect of draft policies impacting housing for older people with suggested amendments to make the plan sound in each case.

Modifications: The Council should amend the draft policy as follows:

For the plan to be in line with national policy and effective any policy requiring the submission of a Health Impact Assessment should consider the following:

[italic] Specialist Housing for older people has a number of health benefits and proposals for such schemes will not be required to submit a Health Impact Assessment [italic]

The Council should re-consider the drafting as above.

Requested to attend examination?: Yes

Ref: C-15-14-HW1

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: HW1: Health and wellbeing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Edenstone support the principle of the delivery of infrastructure that encourages and enables people to live healthy lives.

Modifications: Edenstone also have no objection to the requirement for Health Impact Assessments on large scale residential proposals, however, consider that two changes are required to make the draft Policy sound, effective and justified:

- [italic] "Large scale residential development" [italic] must be defined.
- It is well established from precedent decisions that it is the responsibility of the NHS to engage at plan making stage to ensure that appropriate provision is planned to meet the needs of forthcoming allocations. Therefore, the requirement for a Health Impact Assessment at application stage, as a means of determining any future contributions, should apply only to non-allocated developments, or those that are delivering a quantum over and above numbers anticipated at Plan making stage.

Incorporation of these amendments would make this draft Policy sound.

Requested to attend examination?: Yes

Ref: C-25-14-HW1

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: HW1: Health and wellbeing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Morgan Real Estate support the principle of the delivery of infrastructure that encourages and enables people to live healthy lives. Whilst there are no objection to the requirement for Health Impact Assessments on large scale residential proposals, it is considered that two changes are required to make the draft Policy sound, effective and justified:

- “Large scale residential development” must be defined.
- It is well established from precedent decisions that it is the responsibility of the NHS to engage at plan making stage to ensure that appropriate provision is planned to meet the needs of forthcoming allocations. Therefore, the requirement for a Health Impact Assessment at application stage, as a means of determining any future contributions, should apply only to non-allocated developments, or those that are delivering a quantum over and above numbers anticipated at Plan making stage.

Incorporation of these amendments would make this draft Policy sound.

Modifications: [...]

- “Large scale residential development” must be defined.
- It is well established from precedent decisions that it is the responsibility of the NHS to engage at plan making stage to ensure that appropriate provision is planned to meet the needs of forthcoming allocations. Therefore, the requirement for a Health Impact Assessment at application stage, as a means of determining any future contributions, should apply only to non-allocated developments, or those that are delivering a quantum over and above numbers anticipated at Plan making stage.

Requested to attend examination?: Yes

Ref: C-28-14-HW1

Representor: NHS Property Services

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: HW1: Health and wellbeing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: Draft Policy HW1 sets out the Council's commitment to making sure that new developments promote healthier lifestyles and improve overall health and wellbeing. NHSPS welcomes and supports the inclusion of policies that support healthy lifestyles, and the requirement for Health Impact Assessment on large scale residential developments. There is a well-established connection between planning and health, and the planning system has an important role in creating healthy communities. The planning system is critical not only to the provision of improved health services and infrastructure by enabling health providers to meet changing healthcare needs, but also to addressing the wider determinants of health.

NHSPS notes and supports the inclusion of *"Contributions towards improved GP provision will be sought where necessary."* It is important that the council work with healthcare providers to ensure that the necessary healthcare infrastructure is supported to keep pace with housing growth. Overall, NHSPS supports draft Policy HW1 and believes it will be effective in maintaining healthy development.

Modifications: -

Requested to attend examination?: No

Ref: C-32-14-HW1

Representor: South West Housing Association Planning Consortium

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: HW1: Health and wellbeing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Draft Policy HW1 outlines how applications for large scale residential development proposals will be accompanied by a proportionate Health Impact Assessment. The SWHAPC has previously raised that for many applications across Exeter, the NHS is requesting substantial S106 contributions. This revised policy should serve as an opportunity to remind key stakeholders that the PPG states that planning obligations should only be sought where they meet the following NPPF tests:

[italic] “a) necessary to make the development acceptable in planning terms;
b) directly related to the development; and
c) fairly and reasonably related in scale and kind to the development.” [italic]
(Paragraph: 002 Reference ID: 23b-002-20190901)

Modifications: [...] This revised policy should serve as an opportunity to remind key stakeholders that the PPG states that planning obligations should only be sought where they meet the following NPPF tests:

[italic] “a) necessary to make the development acceptable in planning terms;
b) directly related to the development; and
c) fairly and reasonably related in scale and kind to the development.” [italic]
(Paragraph: 002 Reference ID: 23b-002-20190901)

Requested to attend examination?: -

Ref: C-40-14-HW1

Representor: TT Group

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: HW1: Health and wellbeing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: TT Group support the principle of the delivery of infrastructure that encourages and enables people to live healthy lives. Whilst there are no objection to the requirement for Health Impact Assessments on large scale residential proposals, it is considered that two changes are required to make the draft Policy sound, effective and justified:

Modifications: • "Large scale residential development" must be defined.

- It is well established from precedent decisions that it is the responsibility of the NHS to engage at plan making stage to ensure that appropriate provision is planned to meet the needs of forthcoming allocations. Therefore, the requirement for a Health Impact Assessment at application stage, as a means of determining any future contributions, should apply only to non-allocated developments, or those that are delivering a quantum over and above numbers anticipated at Plan making stage.

Incorporation of these amendments would make this draft Policy sound.

Requested to attend examination?: -

Ref: D-03-14-HW1

Representor: Devon Wildlife Trust

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: HW1: Health and wellbeing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: We would like to see the benefits that nature brings to health and wellbeing recognised within this policy - making nature-rich greenspace accessible and enticing to all with the benefits this brings. A 'nature everywhere' approach together with creating a network of green corridors through the city (using the LNRS and Exeter Biodiversity Reference Map as guidance) will be key ways of achieving this.

Modifications: [...] A 'nature everywhere' approach together with creating a network of green corridors through the city (using the LNRS and Exeter Biodiversity Reference Map as guidance) will be key ways of achieving this.

Requested to attend examination?: -

Ref: D-06-14-HW1a

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: HW1: Health and wellbeing (Strategic policy)

Paragraph: 14.11

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The wording in the second bullet point is not sufficient, as 'considering the potential' sets a very weak benchmark.

ECS also regards growing spaces other than allotments of increasing importance. These includes communal gardens, street-side planters, etc.

Modifications: ECS suggests as wording: 'Including growing spaces and allotments to address an increasing demand; and'

Requested to attend examination?: No

Ref: D-06-14-HW1b

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: HW1: Health and wellbeing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: -

Comments: 1. This should also include contributions towards NHS Dentist services as well as GPs.

2. Could the paragraph: 'Development proposals for new healthcare facilities will be supported where they are easily accessible by public transport and link effectively to walking and cycling routes' be constructed as not wanted otherwise? These services are very much needed.

Modifications: 1. 'Contributions towards improved GP and NHS dentist provision.

2. GP and dentist services are in high demand and proposals for these will be supported, particularly where they are easily accessible by public transport and link effectively to walking and cycling routes.

Requested to attend examination?: No

Ref: D-07-14-HW1

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: HW1: Health and wellbeing (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: HW1: Health and wellbeing (strategic policy)

Policy HW1 is not considered to be sound as it is not justified, or consistent with national policy for the following reasons:

This policy states that applications for large scale residential development proposals will be accompanied by a proportionate Health Impact Assessment (HIA). It also suggests that contributions towards improved GP provision will be sought where necessary.

The HBF generally supports plans that set out how the Council will achieve improvements in health and well-being. In preparing its local plan the Council should normally consider the health impacts with regard to the level and location of development. Collectively the policies in the plan should ensure health benefits and limit any negative impacts and as such any development that is in accordance with that plan should already be contributing positively to the overall healthy objectives of that area.

The PPG[25] sets out that HIAs are 'a useful tool to use where there are expected to be significant impacts' but it also outlines the importance of the local plan in considering the wider health issues in an area and ensuring policies respond to these. As such Local Plans should already have considered the impact of development on the health and well-being of their communities and set out policies to address any concerns. Consequently, where a development is in line with policies in the local plan a HIA should not be necessary. Only where there is a departure from the plan should the Council consider requiring a HIA. In addition, the HBF considers that any requirement for a HIA should be based on a proportionate level of detail in relation the scale and type of development proposed. The requirement for HIA for developments of more than 10 dwellings without any specific evidence that an individual scheme is likely to have a significant impact upon the health and wellbeing of the local population is not justified by reference to the PPG. Only if a significant adverse impact on health and wellbeing is identified should a HIA be required, which sets out measures to substantially mitigate the impact.

Therefore, the HBF recommend that this policy is amended to state that 'where applications for large scale residential development proposals depart from the Plan and are likely to have a significant impact on the health and wellbeing of the local population, they should be accompanied by a proportionate Health Impact Assessment demonstrating how the proposal will . . . '.

[25] PPG ID: 53-005-20190722

Modifications: [...] Therefore, the HBF recommend that this policy is amended to state that [italic]‘where applications for large scale residential development proposals depart from the Plan and are likely to have a significant impact on the health and wellbeing of the local population, they should be accompanied by a proportionate Health Impact Assessment demonstrating how the proposal will . . .’[italic].

Requested to attend examination?: Yes

Ref: B-02-14-HW2a

Representor: Environment Agency

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: HW2: Environmental quality, pollution and contaminated land

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: This needs correcting as it currently states developments will only be permitted where there WOULD be an unacceptable impact:

'Development proposals will only be permitted where, individually and cumulatively, taking account of proposed mitigation and remediation, there would be unacceptable impacts on:...'

Modifications: This needs correcting as it currently states developments will only be permitted where there WOULD be an unacceptable impact:

'Development proposals will only be permitted where, individually and cumulatively, taking account of proposed mitigation and remediation, there would be unacceptable impacts on:...'

Requested to attend examination?: -

Ref: B-02-14-HW2b

Representor: Environment Agency

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: HW2: Environmental quality, pollution and contaminated land

Paragraph: Bullet a

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Bullet a: We are pleased to see the removal of the word local from 'Environmental Quality' in line with our previous suggestion.

Modifications: -

Requested to attend examination?: -

Ref: B-02-14-HW2c

Representor: Environment Agency

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: HW2: Environmental quality, pollution and contaminated land

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Last paragraph: We would reiterate;

We note the end of the policy says ...'made suitable for the proposed use..' however the concept that a site should be 'suitable for use' underlies the Environment Agency's approach to remediation of historic contamination. 'Suitable for use' means suitable for the environment as a whole, not just for use by people. Protecting groundwater and surface water may mean carrying out work on land affected by pollution over and above that required to make the land suitable for the proposed development and to protect human health. We would suggest altering this to say suitable for use and remove 'the proposed'.

Modifications: We would suggest altering this to say suitable for use and remove 'the proposed'.

Requested to attend examination?: -

Ref: B-07-14-HW2

Representor: Natural England

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: HW2: Environmental quality, pollution and contaminated land

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: There is a new mistake in the policy text: 'Development proposals will only be permitted where, individually and cumulatively, taking account of proposed mitigation and remediation, there would be unacceptable impacts on....'. It would seem that, 'only' should be replaced with 'not'.

Modifications: [...] It would seem that, 'only' should be replaced with 'not'.

Requested to attend examination?: -

Ref: C-07-14-HW2

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: HW2: Environmental quality, pollution and contaminated land

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The second paragraph of Policy HW2 reads:

Development proposals will only be permitted where, individually and cumulatively, taking account of proposed mitigation and remediation, there would be unacceptable impacts on:

- a. Environmental quality;
- b. Amenity;
- c. Air quality in and outside Air Quality Management Areas;
- d. Noise levels;
- e. Surface and ground water quality and quantity;
- f. Land and soil condition; and
- g. The future operation of existing businesses or facilities. *[italic]*

The Client queries the current wording of the Policy:

- The current wording appears to mistakenly conflict with the policy's aim, stating that *'Development proposals will only be permitted where... there would be unacceptable impacts on...'*. *[italic]*

Modifications: • The Policy should require no unacceptable impacts.

[bold] Recommendation: **[bold]** Policy HW2 is reworded to stated that development proposals will only be permitted where there would be no unacceptable impacts.

Requested to attend examination?: Yes

Ref: C-15-14-HW2

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: HW2: Environmental quality, pollution and contaminated land

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Edenstone comment only to highlight a typo in the second paragraph.

Modifications: The text should read [italic] "Development proposals will only be permitted where ... there would be ~~unacceptable~~ impacts on: ...". [italic]

Requested to attend examination?: Yes

Ref: D-06-14-HW2

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 14 - Health and wellbeing

Policy: HW2: Environmental quality, pollution and contaminated land

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As currently drafted the policy is not justified in that the requirement to design, construct and operate to minimise and mitigate environmental impacts applies to “all developments” including those without environmental impacts

Modifications: First paragraph be modified in these terms, “All development proposals which have potential adverse impacts resulting from emissions and light, dust, vibration and noise pollution should be designed, constructed and operated to minimise and then mitigate such impacts and, where possible, contribute to the improvement of environmental conditions”

First sentence of paragraph 2 should say “Development proposals will only be permitted where....there would [Bold] not [Bold] be unacceptable impacts...”

Requested to attend examination?: No

Ref: A-03-15-X

Representor: Mid Devon District Council

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: -

Paragraph: 15.2

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: We support the inclusion of the sentence "The City Council will continue discussions relating to cross-boundary infrastructure provision in the context of the development planned in Exeter but also close to the city in East Devon and Teignbridge and also Mid Devon. Work with the other District Councils and Devon County Council will be particularly important" in paragraph 15.2, which recognises the need to continue discussions between Exeter City Council and other District Councils and Devon County Council relating to cross-boundary infrastructure. This supports the soundness of this part of the plan through being positively prepared.

Modifications: -

Requested to attend examination?: No

Ref: F-01-15-X

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: A-01-15-IF1

Representor: Devon County Council

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF1: Delivery of infrastructure (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Infrastructure Provision

Devon County Council considers it essential that infrastructure necessary to support the development proposed in the Local Plan is provided in an appropriately phased and timely manner. It is also essential that appropriate funding mechanisms to deliver this infrastructure are in place, in particular to ensure necessary education, transport and community infrastructure is provided. We look forward to continuing our work with Exeter City Council on the Infrastructure Delivery Plan.

Modifications: -

Requested to attend examination?: -

Ref: B-06-15-IF1a

Representor: National Highways

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF1: Delivery of infrastructure (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Strategic Policy IF1 (Delivery of Infrastructure) requires the delivery of supporting infrastructure and community facilities, phased at the earliest practical and viable opportunity. It is stated that funding will be sought from the Community Infrastructure Levy and Section 106 Agreements to secure necessary infrastructure, facilities and services, including those identified in an IDP.

The Greater Exeter Transport Strategy is not yet finalised. The Strategy will need to inform revisions to the IDP, but there is no certainty that sufficient funding will be available from development to deliver all necessary measures. Should physical SRN works be required then it is likely that additional public funding will be necessary. [bold] We recommend [bold] that the policy should be expanded to refer to the Transport Strategy and seeking other sources of funding as necessary.

Modifications: [...] [bold] We recommend [bold] that the policy should be expanded to refer to the Transport Strategy and seeking other sources of funding as necessary.

Requested to attend examination?: Yes

Ref: B-06-15-IF1b

Representor: National Highways

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF1: Delivery of infrastructure (Strategic policy)

Paragraph: 15.4

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: We would also highlight that the third bullet point of supporting text in paragraph 15.4 makes reference to Highways England, and this should be updated to National Highways.

Modifications: We would also highlight that the third bullet point of supporting text in paragraph 15.4 makes reference to Highways England, and this should be updated to National Highways.

Requested to attend examination?: Yes

Ref: C-28-15-IF1

Representor: NHS Property Services

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF1: Delivery of infrastructure (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: NHSPS considers that draft Policy IF1 supports the provision of health infrastructure which is in line with growth proposed by the Local Plan. NHSPS note that the council have engaged with the local ICB in formulating the IDP as well as the local plan shown in paragraph 15.4. We welcome paragraph 15.9 which highlights how Section 106 Agreements can be used to secure funding for GP surgeries. Overall, we support the approach to infrastructure delivery in Policy IF1 and consider that it provides an effective framework for ensuring that development proposals will make provision to meet the cost of healthcare infrastructure made necessary by the development. We also appreciate the engagement the council have had with the local ICB in preparing the IDP and the policies within the Local Plan. We request the council continue its engagement with the NHS to further refine the identified healthcare needs and proposed solutions to support the level of growth proposed by the Local Plan, as identified in the IDP, prior to submission.

Modifications: -

Requested to attend examination?: No

Ref: D-06-15-IF1

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF1: Delivery of infrastructure (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The requirement for infrastructure phasing plans being limited to “large scale residential developments” only is not justified. The requirement should also apply to large scale commercial development and mixed-use development.

Modifications: “Infrastructure phasing plans will be required for all large scale and mixed-use developments”.

Requested to attend examination?: No

Ref: G-08-15-IF1a

Representor: Emma Townsend

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF1: Delivery of infrastructure (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: Infrastructure to support the desired car free living should be in place from the first occupant not 'earliest practical and viable opportunity'. Living according to Liveable Exeter principles is only possible if this is done.

Modifications: Amend to make reference to active travel connections from first occupant.

Requested to attend examination?: No

Ref: G-08-15-IF1b

Representor: Emma Townsend

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF1: Delivery of infrastructure (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: The supporting evidence for the plan predicts that two primary schools will be required. The draft plan only includes land for one, at Water Lane. There is also a requirement for financial contribution towards secondary education but there is no land allocated. On the DCC website, Exeter secondary schools currently offer 4435 places and 4370 are taken. The evidence supporting the plan does not explain why no land is allocated or why the housing planned does not require secondary education expansion.

Modifications: Add an explanation re the provision of secondary education.

Requested to attend examination?: No

Ref: H-15-15-IF1

Representor: Anonymous

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF1: Delivery of infrastructure (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: -

Requested to attend examination?: -

Ref: B-06-15-IF2

Representor: National Highways

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF2: Viability (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The potential for changes in infrastructure costs is reflected in Strategic Policy IF2 (Viability) which sets out a requirement for viability assessments and sets a framework for reviewing viability issues. The viability risks identified in Policy IF2 are pertinent given uncertainty over infrastructure costs and the potential need for highway improvements. National Highways supports the approach identified in the policy and would welcome joint-working with the City Council to manage this risk.

Modifications: -

Requested to attend examination?: Yes

Ref: C-03-15-IF2

Representor: Anne Codner

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF2: Viability (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Whilst we support inclusion of a policy relating to viability, we object to the current wording of Policy IF2.

The draft Policy proposes to limit the circumstances under which viability evidence as part of a planning application would be considered [italic] “appropriate”, [italic] and it also goes on to note that these circumstances must have arisen [italic] “since the Exeter Plan’s adoption”. [italic]

Firstly, this approach does not accord with the NPPF and PPG’s position on viability, which does not place any limit on the circumstances or timing for viability review.

Furthermore, the Council’s viability evidence underpinning this Plan does not include any site specific viability testing of allocations. Given that viability testing prior to adoption of the Plan will only ever be typology based, it is entirely unjustified for policy to assume that any individual site is viable at that point in time, as it does not take into account any site specific considerations.

Finally, the closing paragraph of the draft Policy proposes a three year review for any applications granted pursuant to a viability appraisal. We accept that a review mechanism is supported by the PPG, however consider that the triggers for this review are more appropriately determined on a site specific basis, accounting for the degree of shortfall against policy expectations and the specific circumstances causing the impact on viability.

Modifications: As a result of the comments above, the following changes are required to ensure compliance with national policy, guidance and soundness more generally. Subject to these changes, we consider that the draft Policy would be sound.

[italic] [strikethrough] “To ensure that development provides the necessary policy requirements, affordable housing and infrastructure to create and maintain sustainable communities, deviation from policy on the grounds of viability will only be considered appropriate where one or more of the following have occurred to a significant degree following the adoption of the Exeter Plan:

a. Increases in infrastructure or abnormal development costs which could not reasonably have been foreseen at the time of the Exeter Plan’s adoption;

b. Adverse changes in building costs relative to sales values; and

c. Worsening of local market conditions caused by a recession or an extraordinary event demonstrably affecting incomes and development values.

A viability appraisal will need to be submitted explaining the circumstances which have led to the changes in viability since the Exeter Plan's adoption. ~~Any variation from the proposed policy and affordable housing requirements, and deviation from the assumption that required infrastructure will be funded by development, will need to be justified robustly.~~

The City Council will recover from applicants their reasonable costs associated with an independent assessment of submitted viability appraisals where a deviation from policy requirements is sought. The submitted viability appraisal and the independent review will be published by the City Council with the planning application documentation.

Where policy compliant infrastructure requirements and/or contributions are not provided due to an agreed viability reason, the viability of the proposal will be reviewed ~~every three years~~ in accordance with triggers to be agreed at application stage, taking account of site specific circumstances ~~with the requirements of this policy~~ to seek to achieve full policy compliance in later development phases."

Requested to attend examination?: Yes

Ref: C-06-15-IF2

Representor: Broom

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF2: Viability (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy IF2 [bold]

Policy IF2 seeks to ensure that development provides the necessary policy requirements, affordable housing and infrastructure to create and maintain sustainable communities, noting that deviation from policy on grounds of viability in specific circumstances and where a viability appraisal has been submitted as evidence.

The Exeter Plan relies heavily on large scale brownfield sites to meet Exeter's development needs. Clearly, where a plan focuses on brownfield sites to deliver development, a policy which allows a deviation from policy on the grounds of viability is a necessity. This will however, undoubtedly, have implications for the delivery of affordable housing, and other policy requirements.

The ECC Planning Committee has recently resolved to approve application reference 23/1007/OUT which forms part of proposed allocation SBA1 Water Lane, in accordance with the Officer recommendation See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>].

The recommendation concluded that the development is unviable. A Financial Viability Appraisal (FVA) was included within the application submission, assessed by an independent consultant and considered to be consistent with the RICS Practice Statement and Guidance. The independent assessment of the FVA confirmed that the viability gap is substantial and that the development is unviable. The Committee Report confirms that, due to significant abnormal and additional costs in bringing this brownfield site forward, the development would not be able to provide affordable housing in addition to the infrastructure funding. The Committee Report confirmed that still, even without affordable housing provision, the development is unlikely to proceed without external subsidy or other intervention.

The conclusions of the application FVA is a stark contrast to the findings of the Viability Assessment (VA) of the Exeter Plan (para. 6.5) which found that the brownfield higher density allocations of VA1 Exeter central (which includes SBA1 Water Lane), [italic] 'are broadly viable as tested and able to deliver the general policy requirements'. [italic] The VA (para.6.8) caveats that [italic] 'there is little detail available on site costs or funding mechanisms for the allocation specific policies' [italic] and that [italic] 'the approach taken within the viability

assessment is to separately test the likely forms of development and tenures and consider the viability headroom available to meet any site specific cost implications' [italic] In light of this caveat (and in noting the outcome of 23/1007/OUT), the accuracy and reliability of the findings of the VA with regard to brownfield allocations is questionable. Further, the VA assumes lower values than existing use values, i.e. the viability assumes brownfield land values not existing high value employment use values, resulting in unrealistic outcomes when determining the viability of the Exeter Plan. In light of this (and in noting the outcome of 23/1007/OUT), the accuracy and reliability of the findings of the VA with regard to brownfield allocations is highly questionable. See Viability Assessment of Exeter Plan here [embedded link: https://exeter.gov.uk/media/au0dcvqt/local-plan-viability-assessment_final.pdf]

Application reference 23/1007/OUT Water Lane (South) demonstrates that brownfield sites, even where they do not provide all policy requirements, cannot reliably meet the development needs of Exeter or the subregion. Consideration should be given to allocating further greenfield sites to meet Exeter's housing and employment needs.

ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) housing needs broadly in line with the issues the subregion faces.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DC's Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Para. 7.6 of the Exeter Plan states that [italic] 'the partner authorities (the City Council, East Devon, Mid Devon and Teignbridge District Councils and Devon County Council) are committed to continuing to work together, in accordance with the duty to cooperate, to address any shortfall in employment land to ensure the continued economic success of the wider area'. [italic]

However, EDDC propose to object to the Exeter Plan as set out in a report to the EDDC Strategic Planning Committee on the 4th February 2025 (See EDDC Report SPC here). The objection is on the basis that it fails to make available sufficient land for employment provision. EDDC Officer's recommended response recognises that the Exeter Plan does not refer to the Exeter specific employment land requirement nor how the Exeter Plan has addressed this need. It notes that the Exeter Plan fails to state that it will meet an Exeter quantified need and that

[italic] 'no request has been made under the duty to co-operate for East Devon District Council to assist in meeting the employment land need identified in the EDNA. The land identified in the emerging East Devon Local Plan 2020-2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.'

Whilst not explicit in the Exeter Plan, as suggested by EDDC, the Exeter Plan appears to rely on the collective land supply for employment across the sub-region, without formal request under the duty to co-operate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Further, ECC is not meeting its historic shortfall within its housing allocations and has not made a formal request to neighbouring authorities to assist in meeting its housing (including affordable housing) shortfall under the duty to cooperate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Our Client's land, whilst located in East Devon, is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter. Consideration should be given to suitable greenfield sites where development can be delivered with more certainty.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) housing needs broadly in line with the issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-08-15-IF2

Representor: Churchill Living and McCarthy Stone

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF2: Viability (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: The draft policy on Viability states that:

[italic] Where policy compliant infrastructure requirements and/or contributions are not provided due to an agreed viability reason, the viability of the proposal will be reviewed every three years in accordance with the requirements of this policy to seek to achieve full policy compliance in later development phases *[italic]*

Notwithstanding our general comments in respect of policy H4 (not viable for older persons housing and an exemption should apply), the PPG is clear that the terms of engagement for viability review should be clearly set out within policy. In order to introduce such a mechanism, there must be a clear and specific policy basis for any review mechanism being imposed in line with PPG Viability para 009 Reference ID: 10-009-20190509. This states the following:

[italic] 'Plans should set out circumstances where review mechanisms may be appropriate, as well as clear process and terms of engagement regarding how and when viability will be reassessed over the lifetime of the development to ensure policy compliance and optimal public benefits through economic cycles. Policy compliant means development which fully complies with up to date plan policies. A decision maker can give appropriate weight to emerging policies.' *[italic]*

The requirement for a review mechanism is not supported by any justification, evidence, or process where specific inputs to be included within any review mechanism, could be considered in public examination. For example, certain exemptions should be introduced such as to smaller sites, that are built in one phase. The Planning Inspectorate have repeatedly noted that review mechanism for smaller sites, and single-phase developments are unnecessary so this must also be a consideration.

The Council should also consider where review mechanisms and threshold approach have been introduced, such as London, and identify if such a policy approach has been successful, particularly when few market retirement schemes come forward in the City Council area currently . Since the London Plan was adopted housing delivery has struggled. The Council should note that the rate of affordable housing requested and the additional policy hurdles brought in within the threshold approach in London has hampered delivery. The introduction of the review mechanism especially where a housing typology has been found to be largely unviable at the plan making stage causes considerable uncertainty and prevents investment. This has impacted housing delivery to a great extent in London and as such the government have set up an independent review of the London Plan.

The PPG is clear that the terms of a viability review should be clearly set out within local plan policy. As drafted, the policy is unclear as to how and when a review will take place and on what basis.

Reviews are appropriate for longer term phased development which is unlikely to complete within a 3 year period post planning approval.

In order to increase certainty for developers and investors, the terms of any review should be clearly set out within policy and examined independently. Reviews should be carried out prior to implementation of phases to provide certainty for developers and investors.

Modifications: The Council should amend the final paragraph of this policy to confirm that a review of viability will take place for longer term phased development prior to the commencement of each phase. This requirement will not apply to proposals which practically complete within 3 years of a planning approval.

The Council should re-consider the drafting as above.

Requested to attend examination?: Yes

Ref: C-15-15-IF2

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF2: Viability (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Edenstone support inclusion of a policy relating to viability, however, they object to the current wording of Policy IF2.

The draft Policy proposes to limit the circumstances under which viability evidence as part of a planning application would be considered [italic] “appropriate” [italic], and it also goes on to note that these circumstances must have arisen [italic] “since the Exeter Plan’s adoption” [italic].

Firstly, this approach does not accord with the NPPF and PPG’s position on viability, which [underline] does not place any limit [underline] on the circumstances or timing for viability review.

Furthermore, the Council’s viability evidence underpinning this Plan does not include any site specific viability testing of allocations. Given that viability testing prior to adoption of the Plan will only ever be typology based, it is entirely unjustified for policy to assume that any individual site is viable at that point in time, as it does not take into account any site specific considerations.

Finally, the closing paragraph of the draft Policy proposes a three year review for any applications granted pursuant to a viability appraisal. Edenstone accept that a review mechanism is supported by the PPG, however they consider that the triggers for this review are more appropriately determined on a site specific basis, accounting for the degree of shortfall against policy expectations and the specific circumstances causing the impact on viability.

Modifications: As a result of the comments above, the following changes are required to ensure compliance with national policy, guidance and soundness more generally. Subject to these changes, we consider that the draft Policy would be sound.

[strikethrough/red] “To ensure that development provides the necessary policy requirements, affordable housing and infrastructure to create and maintain sustainable communities, deviation from policy on the grounds of viability will only be considered appropriate where one or more of the following have occurred to a significant degree following the adoption of the Exeter Plan:

a. Increases in infrastructure or abnormal development costs which could not reasonably have been foreseen at the time of the Exeter Plan’s adoption;

- b. Adverse changes in building costs relative to sales values; and
- c. Worsening of local market conditions caused by a recession or an extraordinary event demonstrably affecting incomes and development values.

A viability appraisal will need to be submitted explaining the circumstances which have led to the changes in viability since the Exeter Plan's adoption. ~~Any variation from the proposed policy and affordable housing requirements, and deviation from the assumption that required infrastructure will be funded by development, will need to be justified robustly.~~

The City Council will recover from applicants their reasonable costs associated with an independent assessment of submitted viability appraisals where a deviation from policy requirements is sought. The submitted viability appraisal and the independent review will be published by the City Council with the planning application documentation.

Where policy compliant infrastructure requirements and/or contributions are not provided due to an agreed viability reason, the viability of the proposal will be reviewed ~~every three years~~ ~~in accordance~~ with triggers to be agreed at application stage, taking account of site specific circumstances ~~with the requirements of this policy to seek to achieve full policy~~ ~~compliance in later development phases.~~

Requested to attend examination?: Yes

Ref: C-25-15-IF2

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF2: Viability (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: Morgan Real Estate support inclusion of a policy relating to viability, however, they object to the current wording of Policy IF2.

The draft Policy proposes to limit the circumstances under which viability evidence as part of a planning application would be considered “appropriate”, and it also goes on to note that these circumstances must have arisen “since the Exeter Plan’s adoption”.

Firstly, this approach does not accord with the NPPF and PPG’s position on viability, which [underline] does not place any limit [underline] on the circumstances or timing for viability review.

Furthermore, the Council’s viability evidence underpinning this Plan does not include any site specific viability testing of allocations. Given that viability testing prior to adoption of the Plan will only ever be typology based, it is entirely unjustified for policy to assume that any individual site is viable at that point in time, as it does not take into account any site specific considerations.

Finally, the closing paragraph of the draft Policy proposes a three year review for any applications granted pursuant to a viability appraisal. Morgan Real Estate accept that a review mechanism is supported by the PPG, however they consider that the triggers for this review are more appropriately determined on a site specific basis, accounting for the degree of shortfall against policy expectations and the specific circumstances causing the impact on viability.

Modifications: As a result of the comments above, the following changes are required to ensure compliance with national policy, guidance and soundness more generally. Subject to these changes, we consider that the draft Policy would be sound.

[strikethrough/red] “To ensure that development provides the necessary policy requirements, affordable housing and infrastructure to create and maintain sustainable communities, deviation from policy on the grounds of viability will only be considered appropriate where one or more of the following have occurred to a significant degree following the adoption of the Exeter Plan:

a. Increases in infrastructure or abnormal development costs which could not reasonably have been foreseen at the time of the Exeter Plan’s adoption;

b. Adverse changes in building costs relative to sales values; and

c. Worsening of local market conditions caused by a recession or an extraordinary event demonstrably affecting incomes and development values.

A viability appraisal will need to be submitted explaining the circumstances which have led to the changes in viability since the Exeter Plan's adoption. ~~Any variation from the proposed policy and affordable housing requirements, and deviation from the assumption that required infrastructure will be funded by development, will need to be justified robustly.~~

The City Council will recover from applicants their reasonable costs associated with an independent assessment of submitted viability appraisals where a deviation from policy requirements is sought. The submitted viability appraisal and the independent review will be published by the City Council with the planning application documentation.

Where policy compliant infrastructure requirements and/or contributions are not provided due to an agreed viability reason, the viability of the proposal will be reviewed ~~every three years~~ ~~in accordance~~ with triggers to be agreed at application stage, taking account of site specific circumstances ~~with the requirements of this policy~~ ~~to seek to achieve full policy compliance in later development phases."~~

Requested to attend examination?: Yes

Ref: C-27-15-IF2

Representor: National Grid Property Holdings and Wales and West Utilities

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF2: Viability (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: Policy IF2 explains the approach that will be taken to considering the viability of development. The policy indicates potential viability changes which may be considered reasonable in discussions over what infrastructure and affordable housing could be provided by the development. The policy sets out that deviation from policy on the grounds of viability will only be considered where appropriate or where there have been abnormal development costs, adverse changes in building costs and worsening of local market conditions.

Given the extensive remediation costs, which are unique to the Gasworks site, and would be a necessary requirement to installing the recently consented gas pressure reduction system (ref: 23/1489/FUL) and any redevelopment proposal, we appreciate the content of Policy IF2 and support the recognition of abnormal development costs in assessing the viability of future development proposals.

Modifications: -

Requested to attend examination?: -

Ref: C-32-15-IF2

Representor: South West Housing Association Planning Consortium

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF2: Viability (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Draft Strategic Policy IF2 outlines the appropriate conditions in which it will be deemed appropriate for developments to deviate away from policy for them to remain viable. The SWHAPC wishes to remind Exeter City Council that the viability evidence base is critically important to assess a range of development typologies and locations to ensure that development can remain viable under the range of new policy requirements.

Modifications: -

Requested to attend examination?: -

Ref: C-34-15-IF2

Representor: Stuart Partners Ltd 18002

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF2: Viability (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy IF2 [bold]

Policy IF2 seeks to ensure that development provides the necessary policy requirements, affordable housing and infrastructure to create and maintain sustainable communities, noting that deviation from policy on grounds of viability in specific circumstances and where a viability appraisal has been submitted as evidence.

The Exeter Plan relies heavily on large scale brownfield sites to meet Exeter's development needs. Clearly, where a plan focuses on brownfield sites to deliver development, a policy which allows a deviation from policy on the grounds of viability is a necessity. This will however, undoubtedly, have implications for the delivery of affordable housing, and other policy requirements.

The ECC Planning Committee has recently resolved to approve application reference 23/1007/OUT which forms part of proposed allocation SBA1 Water Lane, in accordance with the Officer recommendation See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>].

The recommendation concluded that the development is unviable. A Financial Viability Appraisal (FVA) was included within the application submission, assessed by an independent consultant and considered to be consistent with the RICS Practice Statement and Guidance. The independent assessment of the FVA confirmed that the viability gap is substantial and that the development is unviable. The Committee Report confirms that, due to significant abnormal and additional costs in bringing this brownfield site forward, the development would not be able to provide affordable housing in addition to the infrastructure funding. The Committee Report confirmed that still, even without affordable housing provision, the development is unlikely to proceed without external subsidy or other intervention.

The conclusions of the application FVA is a stark contrast to the findings of the Viability Assessment (VA) of the Exeter Plan (para. 6.5) which found that the brownfield higher density allocations of VA1 Exeter central (which includes SBA1 Water Lane), [italic] 'are broadly viable as tested and able to deliver the general policy requirements' [italic]. The VA (para.6.8) caveats that [italic] 'there is little detail available on site costs or funding mechanisms for the allocation specific policies' and that 'the approach taken within the viability assessment is to

separately test the likely forms of development and tenures and consider the viability headroom available to meet any site specific cost implications' [italic]. In light of this caveat (and in noting the outcome of 23/1007/OUT), the accuracy and reliability of the findings of the VA with regard to brownfield allocations is questionable. Further, the VA assumes lower values than existing use values, i.e. the viability assumes brownfield land values not existing high value employment use values, resulting in unrealistic outcomes when determining the viability of the Exeter Plan. In light of this (and in noting the outcome of 23/1007/OUT), the accuracy and reliability of the findings of the VA with regard to brownfield allocations is highly questionable. See Viability Assessment of Exeter Plan here [embedded link: https://exeter.gov.uk/media/au0dcvqt/local-plan-viability-assessment_final.pdf]

Application reference 23/1007/OUT Water Lane (South) demonstrates that brownfield sites, even where they do not provide all policy requirements, cannot reliably meet the development needs of Exeter or the subregion. Consideration should be given to allocating further greenfield sites to meet Exeter's housing and employment needs.

ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) housing needs broadly in line with the issues the subregion faces.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [embedded link: https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DCs Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Para. 7.6 of the Exeter Plan states that 'the partner authorities (the City Council, East Devon, Mid Devon and Teignbridge District Councils and Devon County Council) are committed to continuing to work together, in accordance with the duty to cooperate, to address any shortfall in employment land to ensure the continued economic success of the wider area'.

However, EDDC propose to object to the Exeter Plan as set out in a report to the EDDC Strategic Planning Committee on the 4th February 2025 (See EDDC Report SPC here). The objection is on the basis that it fails to make available sufficient land for employment provision. EDDC Officers recommended response recognises that the Exeter Plan does not refer to the Exeter specific employment land requirement nor how the Exeter Plan has addressed this need. It notes that the Exeter Plan fails to state that it will meet an Exeter quantified need and that 'no request has been made under the duty to co-operate for East Devon District Council to assist in meeting the

employment land need identified in the EDNA. The land identified in the emerging East Devon Local Plan 2020-2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.'

Whilst not explicit in the Exeter Plan, as suggested by EDDC, the Exeter Plan appears to rely on the collective land supply for employment across the sub-region, without formal request under the duty to co-operate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Further, ECC is not meeting its historic shortfall within its housing allocations and has not made a formal request to neighbouring authorities to assist in meeting its housing (including affordable housing) shortfall under the duty to cooperate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Our Client's land, whilst located in East Devon, is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the persistent and significant shortfall in housing land supply (and so affordable housing provision) either by allocating additional land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing needs of Exeter. Consideration should be given to suitable greenfield sites where affordable housing delivery can be delivered with more certainty.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) housing needs including affordable housing needs broadly in line with the issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-35-15-IF2

Representor: Stuart Partners Ltd 24001

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF2: Viability (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: [bold] Please note that these representations should be read in conjunction with representations submitted to previous consultations of the Exeter Plan made by McMurdo LPD on behalf of our Client. [bold]

[bold] Policy IF2 [bold]

Policy IF2 seeks to ensure that development provides the necessary policy requirements, affordable housing and infrastructure to create and maintain sustainable communities, noting that deviation from policy on grounds of viability in specific circumstances and where a viability appraisal has been submitted as evidence.

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The ECC Planning Committee has recently resolved to approve application reference 23/1007/OUT which forms part of proposed allocation SBA1 Water Lane, in accordance with the Officer recommendation See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>].

The recommendation concluded that the development is unviable. A Financial Viability Appraisal (FVA) was included within the application submission, assessed by an independent consultant and considered to be consistent with the RICS Practice Statement and Guidance. The independent assessment of the FVA confirmed that the viability gap is substantial and that the development is unviable. The Committee Report confirms that, due to significant abnormal and additional costs in bringing this brownfield site forward, the development would not be able to provide affordable housing in addition to the infrastructure funding. The Committee Report confirmed that still, even without affordable housing provision, the development is unlikely to proceed without external subsidy or other intervention.

The conclusions of the application FVA is a stark contrast to the findings of the Viability Assessment (VA) of the Exeter Plan (para. 6.5) which found that the brownfield higher density allocations of VA1 Exeter central (which includes SBA1 Water Lane), [italic] 'are broadly viable as tested and able to deliver the general policy requirements'[italic]. The VA (para.6.8) caveats that [italic] 'there is little detail available on site costs or funding

mechanisms for the allocation specific policies' and that 'the approach taken within the viability assessment is to separately test the likely forms of development and tenures and consider the viability headroom available to meet any site specific cost implications'[italic]. In light of this caveat (and in noting the outcome of 23/1007/OUT), the accuracy and reliability of the findings of the VA with regard to brownfield allocations is questionable. Further, the VA assumes lower values than existing use values, i.e. the viability assumes brownfield land values not existing high value employment use values, resulting in unrealistic outcomes when determining the viability of the Exeter Plan. In light of this (and in noting the outcome of 23/1007/OUT), the accuracy and reliability of the findings of the VA with regard to brownfield allocations is highly questionable. See Viability Assessment of Exeter Plan here [embedded link: https://exeter.gov.uk/media/au0dcvqt/local-plan-viability-assessment_final.pdf]

Application reference 23/1007/OUT Water Lane (South) demonstrates that brownfield sites, even where they do not provide all policy requirements, cannot reliably meet the development needs of Exeter or the subregion. Consideration should be given to allocating further greenfield sites to meet Exeter's housing and employment needs.

ECC and EDDC (and arguably other administrative areas) are failing in their Duty to Cooperate. The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) housing needs broadly in line with the issues the subregion faces.

Exeter is more than 2,000 houses behind in the current plan period (See Authority Monitoring Report 2023-2024 here [embedded link: https://exeter.gov.uk/media/iysnvjih/241219_amr-2023-2024_final_with-covers_accessible.pdf]) and doesn't have a 5 year housing land supply (See Committee Agenda for Planning Committee here [embedded link: <https://committees.exeter.gov.uk/ieListDocuments.aspx?CId=116&MId=7826&Ver=4>]). Clearly, it doesn't have enough employment land (See EDNA). East Devon, its neighbour, has 2.97 years housing land supply (See SPC Report here [embedded link: <https://democracy.eastdevon.gov.uk/mgAi.aspx?ID=15050>]) and a recent appeal (See Appeal Decision here [embedded link: https://planning.eastdevon.gov.uk/online-applications/files/A6617A2BE13B604E574649629FCEAF2F/pdf/22_0686_MFUL-APPEAL_DECISION-2727794.pdf]) found that it had only 2Ha of employment land available. Advice from Inspectors following the EiP into Teignbridge DCs Plan means that TDC will have to reconsult on housing policies that provide for growth from Exeter (and Torbay).

The evidence shows a failure in the DTC.

Para. 7.6 of the Exeter Plan states that [italic] 'the partner authorities (the City Council, East Devon, Mid Devon and Teignbridge District Councils and Devon County Council) are committed to continuing to work together, in accordance with the duty to cooperate, to address any shortfall in employment land to ensure the continued economic success of the wider area' [italic].

However, EDDC propose to object to the Exeter Plan as set out in a report to the EDDC Strategic Planning Committee on the 4th February 2025 (See EDDC Report SPC here). The objection is on the basis that it fails to make available sufficient land for employment provision. EDDC Officers recommended response recognises that the Exeter Plan does not refer to the Exeter specific employment land requirement nor how the Exeter Plan has

addressed this need. It notes that the Exeter Plan fails to state that it will meet an Exeter quantified need and that [italic] 'no request has been made under the duty to co-operate for East Devon District Council to assist in meeting the employment land need identified in the EDNA. The land identified in the emerging East Devon Local Plan 2020-2042 is considered to be necessary to meet the needs of East Devon and does not seek to address wider needs.' [italic]

Whilst not explicit in the Exeter Plan, as suggested by EDDC, the Exeter Plan appears to rely on the collective land supply for employment across the sub-region, without formal request under the duty to co-operate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Further, ECC is not meeting its historic shortfall within its housing allocations and has not made a formal request to neighbouring authorities to assist in meeting this shortfall under the duty to cooperate. ECC (and arguably other authorities in the sub-region) are failing in their duty to cooperate and this must be addressed for the Exeter Plan to be found sound.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) needs broadly in line with the issues the subregion faces.

Modifications: The Exeter Plan needs to address the shortfall in housing and employment land supply either by allocating additional deliverable land within its administrative boundary to meet Exeter's need or alternatively if this is not possible it must successfully engage in the Duty to Cooperate and formally make a request to EDDC (and other administrative area) to assist in meeting the housing and employment needs of Exeter. Consideration should be given to suitable greenfield sites where development can be delivered with more certainty.

Our Client's land is suitable and available to meet Exeter's (and East Devon's) housing needs broadly in line with the issues the subregion faces.

Requested to attend examination?: Yes

Ref: C-40-15-IF2

Representor: TT Group

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF2: Viability (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: TT Group support inclusion of a policy relating to viability, however, they object to the current wording of Policy IF2.

The draft Policy proposes to limit the circumstances under which viability evidence as part of a planning application would be considered “appropriate”, and it also goes on to note that these circumstances must have arisen “since the Exeter Plan’s adoption”.

Firstly, this approach does not accord with the NPPF and PPG’s position on viability, which [underline] does not place any limit [underline] on the circumstances or timing for viability review.

Furthermore, the Council’s viability evidence underpinning this Plan does not include any site specific viability testing of allocations. Given that viability testing prior to adoption of the Plan will only ever be typology based, it is entirely unjustified for policy to assume that any individual site is viable at that point in time, as it does not take into account any site specific considerations.

Finally, the closing paragraph of the draft Policy proposes a three year review for any applications granted pursuant to a viability appraisal. TT Group accept that a review mechanism is supported by the PPG, however they consider that the triggers for this review are more appropriately determined on a site specific basis, accounting for the degree of shortfall against policy expectations and the specific circumstances causing the impact on viability.

Modifications: As a result of the comments above, the following changes are required to ensure compliance with national policy, guidance and soundness more generally. Subject to these changes, we consider that the draft Policy would be sound.

[~~striketthrough/red~~] “To ensure that development provides the necessary policy requirements, affordable housing and infrastructure to create and maintain sustainable communities, deviation from policy on the grounds of viability will only be considered appropriate where one or more of the following have occurred to a significant degree following the adoption of the Exeter Plan:

- a. Increases in infrastructure or abnormal development costs which could not reasonably have been foreseen at the time of the Exeter Plan’s adoption;
- b. Adverse changes in building costs relative to sales values; and

c. Worsening of local market conditions caused by a recession or an extraordinary event demonstrably affecting incomes and development values.

A viability appraisal will need to be submitted explaining the circumstances which have led to the changes in viability since the Exeter Plan's adoption. ~~Any variation from the proposed policy and affordable housing requirements, and deviation from the assumption that required infrastructure will be funded by development, will need to be justified robustly.~~

The City Council will recover from applicants their reasonable costs associated with an independent assessment of submitted viability appraisals where a deviation from policy requirements is sought. The submitted viability appraisal and the independent review will be published by the City Council with the planning application documentation.

Where policy compliant infrastructure requirements and/or contributions are not provided due to an agreed viability reason, the viability of the proposal will be reviewed ~~every three years~~ ~~in accordance~~ with triggers to be agreed at application stage, taking account of site specific circumstances ~~with the requirements of this policy~~ ~~to seek to achieve full policy compliance in later development phases."~~

Requested to attend examination?: -

Ref: D-06-15-IF2

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF2: Viability (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Viability assessments have become an increasingly powerful tool for the developers to scale back on affordable housing and infrastructure commitments. ECS welcomes the suggestion of 3 yearly reviews of the viability decisions. We would like to strengthen the policy by adding a requirement for developers to take account of contamination issues and infrastructure needs when purchasing land/sites.

Modifications: ECS suggests to add a paragraph along these lines:

‘d. The inclusion of inflated acquisition costs upon acquiring land for viability assessments when likely site preparation and Exeter Plan infrastructure needs have not been taken into account, will not constitute an acceptable ground for a deviation from policy on the grounds of viability.’

Requested to attend examination?: Yes

Ref: D-07-15-IF2a

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF2: Viability (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: IF2: Viability (strategic policy)

Policy IF2 is not considered to be sound as it is not positively prepared, justified, or consistent with national policy for the following reasons:

This policy states that deviation from policy on the grounds of viability will only be considered appropriate where one or more of the following have occurred to a significant degree following the adoption of the Exeter Plan: increases in infrastructure or abnormal development costs; adverse changes in building costs relative to sales values; and worsening of the local market conditions. It goes on to state that where policy compliant infrastructure and / or contributions are not provided due to an agreed viability reason, the viability of the proposal will be reviewed every three years to seek to achieve full policy compliance in later development phases.

The HBF suggests additional flexibility is needed within the viability Policy. We have provided some detailed comments about viability in our response to the Policy H3: Affordable housing and others, which are not repeated here. However, we would add that as the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or values of a specific site fall outside the parameters used of a typology that was tested. Some sites will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. The HBF therefore supports the recognition of the potential [need] for flexibility in relation to site specific viability issues. As such overage clauses may not be appropriate in all cases, and the Plan should allow for such circumstances.

Modifications: The HBF suggests additional flexibility is needed within the viability Policy. [...] as the whole plan viability methodology uses typologies, this means there may be individual sites that are not viable, for example if the costs or values of a specific site fall outside the parameters used of a typology that was tested. Some sites will be on the very margins of viability and other sites may already be unviable even without a change of circumstances. The HBF therefore supports the recognition of the potential [need] for flexibility in relation to site specific viability issues. As such overage clauses may not be appropriate in all cases, and the Plan should allow for such circumstances.

Requested to attend examination?: Yes

Ref: D-07-15-IF2b

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF2: Viability (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The Local Plan Viability Assessment (November 2024) has tested the affordable housing requirements with 35% affordable housing on greenfield sites, 15% on brownfield sites and 20% on Build to Rent, Student Accommodation and co-living sites. The Viability testing results show that there are viability issues in VA1 for flats for sale, for some greenfield schemes in the VA3 area including those on greenfield sites and for older persons housing.

There are a number of current and emerging policy requirements both locally and nationally that are putting viability under pressure. For example, information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal or not considered in full.

Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable.

The Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use. The HBF suggest the costs of BNG should be considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available.

Modifications: [...] There are a number of current and emerging policy requirements both locally and nationally that are putting viability under pressure. For example, information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be

a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal or not considered in full.

[...] The Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use. The HBF suggest the costs of BNG should be considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available.

Requested to attend examination?: Yes

Ref: A-01-15-IF3

Representor: Devon County Council

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF3: Community facilities (Strategic policy)

Paragraph: 15.24 and 15.25

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: [bold] Local Education Provision (including early years) [bold]

The county council has a statutory duty to ensure that there is sufficient school and early years places for pupils across the county, including ensuring that the impacts of development are mitigated through existing or new school place provision.

Overall we support the city council's commitment in paragraph 15.24 to supporting the principle of development providing early years, primary, secondary and provision for children with Special Educational Needs and Disabilities (SEND) through Section 106 Agreement contributions as may be required and in line with the County Council's Education Infrastructure Plan and Education Infrastructure s106 Approach and the Department for Education Guidance on Securing Developer Contributions for Education.

Specific comments relating to education provision are outlined in Appendix 1.

An additional 1,000 primary school places will be required through the delivery of two new primary schools and expansion of an existing school. All new primary provision will include early years provision. Whilst Policy SBA1 specifies provision of a two form entry school at Water Lane, Devon County Council requests that a site of at least 1.6ha is allocated for this purpose. We acknowledge that the need for the remaining primary school places would be towards the end of the plan period and consider a second new primary school is required through the allocation of an additional school site within the Exeter administrative boundary. As a site has not yet been identified, DCC requests that wording is added within the plan stating a second new primary school is required over the plan period. DCC also recognises that there are emerging plans to allocate sites directly adjacent to the city, but outside its administrative boundary, which could provide a strategic solution to partially mitigate the impact of the Local Plan. We note that this is reflected in Policy TI1 of this plan.

If the Local Plan is unable to allocate a site for a second new primary school, the county council may require conditions to be placed on the delivery of houses until such time that a solution is found or a future review of the need suggests that this site may not be required. Without this, it may not be possible to mitigate the education impact of development.

In regards to secondary provision, an additional 1,200 places will be required over the plan period. Our expectation is that the needs of the Local Plan can be mitigated through the expansion of existing secondary schools and without the allocation of a new secondary school site.

Regarding Special Education Needs, DCC will be seeking financial contributions towards provision within and outside the city rather than allocation/ delivery of a new SEND school within the Exeter Local Plan, recognising that Special Schools serve a much wider geographical area.

Paragraph 15.24 is noted and welcomed with regards to funding of educational infrastructure provision.

Paragraph 15.24 - We welcome the wording within paragraph 15.24 which ensures that the required education infrastructure as a result of development is funded with S106 contributions (rather than through CIL).

Paragraph 15.25 - An additional 1,000 primary school places will be required through the delivery of two new primary schools and expansion of an existing school. DCC supports provision of a two form entry school at Water Lane. Whilst the second new primary school will be required to meet projected need towards the end of the plan period, no site has been allocated within the administrative boundary of Exeter.

If Exeter City Council is not able to commit to a second primary school site and/or one has not come forward when required, DCC may potentially need to request the use of Grampian conditions should there be insufficient primary school places at the time of any proposal, to ensure that sufficient school places are provided to facilitate housing development as it comes forward.

Modifications: [...] DCC requests that wording is added within the plan stating a second new primary school is required over the plan period.

Paragraph 15.24 - Paragraph 15.24 states that "Education is a particularly important form of community facility." DCC requests that paragraph 15.24 includes the additional wording shown in [bold] bold [bold] below to recognise the essential role educational infrastructure plays within the community:

"Education is an [bold] essential [bold] form of community facility."

Paragraph 15.25 - DCC requests that paragraph 15.25 includes the additional wording shown in bold below to recognise the potential issue related the lack of an allocated site for a second primary school, accord with Government guidance on school design (currently Building Bulletin 103) and identify how development should be considered prior to a site being identified:

"Additional early years, primary, secondary and special education provision will be required during the plan period, including a new primary school at Water Lane [bold] on a site of at least 1.6ha. [bold] A second additional primary school [bold] on a site of least 1.6ha [bold] is also likely to be required [bold] to meet the remaining projected need for primary school places towards the end of the plan period. It should be noted that a site has not been allocated as no suitable/ acceptable sites have been identified within the administrative boundary of Exeter. Should any development come forward, prior to a new primary site being identified but at such a time in the plan period where the additional places are required, this shortfall in school places will be taken into consideration when determining any relevant planning application. [bold] The City Council will work with Devon County Council on delivering suitable education provision."

Requested to attend examination?: -

Ref: B-01-15-IF3

Representor: Devon and Cornwall Police

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF3: Community facilities (Strategic policy)

Paragraph: 15.18

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Devon & Cornwall Police (DCP) and the Office of Police and Crime Commissioner for Devon and Cornwall (PCC), together the "Police" submit representations in response to the public consultation on the Exeter Plan.

The creation of safe and accessible environments where crime and disorder and the fear of crime does not undermine the quality of life or community cohesion is a key part of planning for sustainable development and communities as outlined in paragraphs 8(b), 96, 101, 135(f) of the National Planning Policy Framework (NPPF).

Paragraph 8 explains that [italic] "Achieving sustainable development means that the planning system has three overarching objectives..." [italic] and paragraph 8b) sets out the second of those objectives, which is a social objective. The social objective is [italic] "to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and [bold] safe places, with accessible services [bold] and open spaces that reflect current and future needs and support communities' health, social and cultural well-being;" [italic] It is clear that in its objectives for sustainable development, the NPPF recognises [italic] "safe places, with accessible services" [italic] as key.

Paragraph 101 of the NPPF states that [italic] "Policies for relevant areas (such as town centre and regeneration frameworks).. should be informed by the most up-to-date information available from the police..." [italic] It is clear that the NPPF anticipates engagement between the police and local planning authorities. The Police advising Exeter City Council (ECC) of its policing requirements as a result of the developments within Exeter is evidence of the engagement which the NPPF encourages. The NPPF requires that local policies are "informed" by information available from the police. The Police therefore request that this representation is treated as such and that the information contained within this representation is used to inform its approach to local policy, including the development of its new infrastructure delivery plan (IDP) to form part of the Exeter Plan.

Paragraph 135(f) of the NPPF states that [italic] "Planning policies and decisions should ensure that developments...(f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; [bold] and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience." [bold] [italic] It is the Police's position that in order to achieve this in Exeter, police infrastructure is necessary and should be protected in policy.

Section 17(1) of the Crime and Disorder Act 1998 (1998 Act) places a duty on all local authorities to consider

crime and disorder implications. Local authorities must exercise their various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that they reasonably can to prevent:

- a) crime and disorder in their area (including anti-social and other behaviour adversely affecting the local environment);
- b) the misuse of drugs, alcohol and other substances in their area;
- c) re-offending in their area; and
- d) serious violence in their area.

Section 17(1)(A) of the 1998 Act provides that *"The duty imposed on an authority by subsection (1) to do all it reasonably can to prevent serious violence in its area is a duty on the authority to do all it reasonably can to—*

(a) prevent people from becoming involved in serious violence in its area, and

(b) reduce instances of serious violence in its area" *[italic]*

As a result, when formulating policy and when determining planning applications for any new development within its administrative area, Exeter City Council (ECC) must comply with the above section 17 duties, otherwise there is a risk of challenge to such policy and planning decisions. The Police have made it clear that police infrastructure is necessary to offset the harm of new development which is clearly linked to prevention of the types of behaviour set out in Section 17 of the 1998 Act. Therefore, to assist compliance with its section 17 duty, the Exeter Plan must acknowledge the Police's need for sufficient provision of police infrastructure and policing facilities.

The Exeter Plan recognises the need for safe environments. For example:

Policy H16 states *[italic]* "New homes must provide safe and healthy living conditions and good standards of amenity for future occupiers. The following factors will be taken into account...g. Security". *[italic]*

Policy D2 (Designing-out crime) states that new development proposals will be supported where they demonstrate that crime prevention and creating a safe environment have been effectively integrated into the design of the scheme. Development proposals should:

- *[italic]* "Be designed with management and maintenance in mind to discourage crime, fear of crime and antisocial behaviour;
- Include appropriate, well-designed security features to support passive, safe design." *[italic]*

In order to comply with ECC's own proposed policy, there is a clear need for policing infrastructure to be in place in order to sufficiently provide for safe and healthy communities for the existing and future residents of Exeter.

Policy IF3 of the Exeter Plan under the heading of 'Infrastructure' seeks to ensure that new development is served by necessary infrastructure. The explanatory text to Policy IF3 refers to the provision facilities such as schools, green infrastructure and community halls, but remains silent towards the provision of police infrastructure. It has been recognised at paragraph 15.4 of the Exeter Plan that DCP is one of the key infrastructure providers/bodies. As such, there should be sufficient regard to the provision of police infrastructure within Policy IF3. It is also

essential to the requirement of securing sufficient contributions towards the funding gap for the Police, secured by CIL or planning obligation.

It is critical for the provision of safety and security of communities that Police infrastructure is supported within policy. Policy IF3 is silent on the importance of the Police City Centre station at the Civic Centre in Paris Street, Exeter (Civic Centre) as a base that ensures the safety and security of people when in the City Centre. To ensure the long term provision of policing and police infrastructure whether at the current location at the Civic Centre or another suitable alternative location within the City Centre, Policy IF3 should have sufficient regard to the provision or reprovion of police infrastructure.

Modifications: The Police propose a modification to the explanatory text of paragraph 15.18 to include the following wording in bold and deletion:

[italic] 15.18 Exeter has ~~a wealth of~~ services and facilities that are essential for the health, welfare, **safety, security,** social, educational, spiritual, recreational, leisure and cultural needs of the community. These facilities include schools, healthcare, **police buildings and other policing infrastructure,** community halls, places of worship, pubs, libraries, space for children's services/community use and youth clubs. The protection of these facilities is of critical importance to our residents. [italic]

The Police ask for a strengthening of this provision and to ensure the sufficient deliverability of police provision and police infrastructure and the sufficient funding resources for a modification to Policy IF3 to include the following wording in bold and deletion as struck out:

[italic] IF3: Community facilities (Strategic policy)

Existing facilities, including buildings and land, that meet community, social, health, welfare, **safety, security,** education, spiritual, cultural, leisure and recreational needs (including Assets of Community value) will be protected, unless it can be demonstrated that...

Contributions towards additional or improved ~~education~~ provisions and ~~other~~ community facilities will be sought from residential **and commercial** development proposals where necessary. [italic]

Requested to attend examination?: Yes

Ref: C-22-15-IF3a

Representor: Hamilton Estates

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF3: Community facilities (Strategic policy)

Paragraph: 15.20

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: [Legal compliance:] No further comments necessary.

[Soundness:] We understand the need to protect and indeed enhance the range of community facilities in the City if it is to maintain its position as a sustainable community. However, there are situations where existing facilities may no longer be viable or simply become redundant for their current purpose. As such and where appropriate, alternative uses should be sought for those facilities.

The Council recognises that such situations may arise (which is welcomed). At para. 15.20 it sets out the information to be submitted with a planning application where a site/building may no longer be suitable for its current use. This is repeated in the draft Policy (IF3). In our view, as far as para. 15.20 is concerned, there is no sound reason as to why a marketing exercise has to be carried out for 12 months in advance of the submission of an application - this appears to be a random time period and could hold up the redevelopment of a site for an alternative use which may be equally as valuable but in a different context e.g. the delivery and availability of affordable housing. A significant delay in finding an alternative use could place an unnecessary burden on a landowner (financial and/or otherwise). The draft Policy (IF3) in general makes adequate provision for explaining what evidence needs to be submitted to demonstrate that a facility may no longer be available/needed.

[Duty to cooperate:] No further comments necessary

Modifications: Par. 15.20 should be amended by deleting reference to '12 months' and inserting '... for sale for a reasonable period in advance of the submission of a planning application.'

Requested to attend examination?: No

Ref: C-22-15-IF3b

Representor: Hamilton Estates

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF3: Community facilities (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: [Legal compliance:] No further comments necessary.

[Soundness:] We object to the inclusion of sub para. e) in policy IF3 as a landowner may justify the loss of a community facility in its own right but may not be able to make provision elsewhere. To withhold permission/prevent development on this basis would be unreasonable. Such an approach may also be contrary to NPPF paras. 125 c) and d) where the objective is clearly to deliver development on brownfield sites unless substantial harm is caused. Will the failure to deliver alternative facilities lead to substantial harm in all cases? In our view, the policy and supporting text as it stands does not support positive planning and is not justified.

[Duty to cooperate:] No further comments necessary

Modifications: Policy IF 3, sub para. e) should be amended to state "Sufficient alternative or improved provision will be made in a suitable location to serve the local community, which clearly outweighs the loss unless it has been demonstrated that this is not necessary or viable having regard to the particular circumstances of the loss and having regard to the provisions of the NPPF"•

Requested to attend examination?: No

Ref: C-28-15-IF3

Representor: NHS Property Services

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF3: Community facilities (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: NHSPS supports the provision of sufficient, quality community facilities. Where healthcare facilities are included within the Locals Plan definition of community facilities, policies aimed at preventing the loss or change of use of community facilities and assets can potentially have a harmful impact on the NHS's ability to ensure the delivery of essential facilities and services for the community. We consider parts A and C of the policy to provide suitable flexibility which would enable the NHS to transform its estate effectively. The NHS requires flexibility with regards to the use of its estate to deliver its core objective of enabling excellent patient care and support key healthcare strategies such as the NHS Long Term Plan. In particular, the disposal of sites and properties which are redundant or no longer suitable for healthcare for best value (open market value) is a critical component in helping to fund new or improved services within a local area. Requiring NHS disposal sites to explore the potential for alternative community uses and/or to retain a substantial proportion of community facility provision adds unjustified delay to vital reinvestment in facilities and services for the community. Parts A and C enable the NHS to transform its estate to ensure that it receives the reinvestment needed to maintain a high-quality service for local communities.

Regarding part (e) of the policy, all NHS land disposals must follow a rigorous process to ensure that levels of healthcare service provision in the locality of disposals are maintained or enhanced, and proceeds from land sales are re-invested in the provision of healthcare services locally and nationally. The decision about whether a property is surplus to NHS requirements is made by local health commissioners and NHS England. Sites can only be disposed of once the operational health requirement has ceased. This does not mean that the healthcare services are no longer needed in the area, rather it means that there are alternative provisions that are being invested in to modernise services.

Modifications: -

Requested to attend examination?: No

Ref: C-41-15-IF3

Representor: University of Exeter

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF3: Community facilities (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University supports policy IF3 as presently drafted.

Modifications: -

Requested to attend examination?: No

Ref: D-04-15-IF3

Representor: Diocese of Exeter

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF3: Community facilities (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: In relation to the provision of new community facilities in development areas, para. 15.22 states "working with our partners will be central to ensuring that essential infrastructure and facilities are provided". Policy IF3 states: "Development proposals for new or improved community facilities will be supported. Ongoing engagement in the development process should take place with local communities to ensure that needs and understood, planned for and met". These references are insufficient to constitute 'positive planning' (as per NPPF 97/98). The Planning Authority, to plan positively, should proactively consider the full range of appropriate community services and facilities for the area of development, including those that are 'non-essential' (ie not specifically statutorily required). It should also (as per para 15.22) explicitly commit to 'plan positively' in consultation with partner infrastructure organisations as well as local communities. This process needs to be carried out in respect of each of the strategic housing allocations.

Modifications: Amend Policy IF3 to state: "Ongoing engagement in the development process should take place with local communities and relevant infrastructure organisations to ensure that needs are understood, planned for and met."

Requested to attend examination?: No

Ref: D-06-15-IF3

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF3: Community facilities (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: ECS questions the logic of the arrangements of points a) to e). The case for 'sufficient alternative or improved provision' to be 'made in a suitable location' is only valid in the first two cases.

The paragraph starting with 'Development proposals' needs strengthening, as too often community facilities have been built and after some time have been neglected or have gone out of use completely because of a lack of long-term management and funding agreement.

Modifications: ECS asks for the restructuring of the argument:

a.) or

b.)

And e.) or

c.) or

d.)

ECS asks to add the 2nd paragraph: 'A proven long-term management and funding agreement should be put in place to contribute to supporting and maintaining these facilities.'

Requested to attend examination?: No

Ref: B-11-15-IF4a

Representor: Sport England

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF4: Open space, play areas, allotments and sport

Paragraph: 15.37 and 15.38

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: [bold] Local Plan & Evidence Base [bold]

The (latest) National Planning Policy Framework (2024) states:

[bold] 103.[bold] [italic] Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate. [italic]

Sport England's view is that, in order to meet the requirements of the National Planning Policy Framework (NPPF), this should include a strategy (supply and demand analysis with qualitative issues included) covering the need for indoor and outdoor sports facilities, including playing pitches.

(your ref para 15.37) We note the Council's 2022 completed Playing Pitch Strategy (PPS) which covers pitch sports and tennis. No regular delivery meetings of the PPS have yet been held since completion which remains a concern. It is becoming a dated document and needs data refresh to keep it 'live' and robust.

(your ref para 15.38) There is no up to date current Built Facility assessment (or strategy) for swimming pools, sports halls, golf courses, bowls, athletics tracks, cycling, equestrian, motor sports etc which the Council. Currently no evidence for the development plan to be based on. In turn, no document to inform planning application decision making in a plan led planning system.

The [bold] Playing Pitch Strategy [bold] for 'in date' the data in studies should not be more than 3 years old (from the date of the data and not the adoption date).

The [bold] Built Sport Facility Strategy [bold] for 'in date' the data in studies should not be more than 5 years old (from the date of the data and not the adoption date).

Modifications: [bold] Action – Council to work on their sport, land and buildings, open space including playing fields assessment of need and strategies to be produced and kept up to date in line with para 103 of the NPPF.
[bold]

Requested to attend examination?: -

Ref: B-11-15-IF4b

Representor: Sport England

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF4: Open space, play areas, allotments and sport

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: [bold] Protection of Sport & Recreation including playing fields [bold]

Sport England acknowledges that the NPPF is promoting “sustainable development” to avoid delays in the planning process (linked to economic growth). That said, the NPPF also says that for open space, sport & recreation land & buildings (including playing fields):

[bold] 104 [bold] [italic] Existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless:

- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements;
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use. [italic]

Sport England would be very concerned if any existing sport & recreation land & buildings including playing pitches would be affected by these proposals without adequate replacement in terms of quality, quantity, accessibility, management & maintenance and prior to the loss of the existing facility. This includes playing fields used by education (public and private) and playing fields in private ownership (e.g. Middlemoor police site, St Leonards playing fields/Deaf Academy) and local authority sites (e.g. Grace Road Playing Fields) in Exeter.

Sport England considers proposals affecting playing fields in light of the National Planning Policy Framework (NPPF) (in particular Para. 104) and against its own playing fields policy, which states:

[bold] ‘Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of:

- all or any part of a playing field, or
- land which has been used as a playing field and remains undeveloped, or
- land allocated for use as a playing field

unless, in the judgement of Sport England, the development as a whole meets with one or more of five specific exceptions.’ [bold]

Sport England's Playing Fields Policy and Guidance document can be viewed via the link here [embedded link: https://www.sportengland.org/guidance-and-support/facilities-and-planning/planning-sport?section=playing_fields_policy]

We continue to [bold] OBJECT [bold] to [bold] policy IF4: Open space, play areas, allotments and sport [bold] if for sport and recreation including playing pitches fields the local plan policy deviates from para 104 of the NPPF and Sport England Playing Fields Policy to protect playing fields and creates loopholes for developers to exploit.

Disappointingly we note the IF4 criteria set out in this Reg 19 document:

- a. [italic] They are no longer fit for purpose [italic] [underline] (who and how is this determined?); [underline] or
 - b. [italic] They are no longer viable and there is no reasonable prospect of the site being used for a community use in the future [italic] [underline] (who decides viability? This could encourage playing field sites being locked up and left for many years even if need is identified in a PPS); [underline] or
 - c. [italic] They are surplus to requirements [italic] [underline] (who and how is this determined?); [underline] or
 - d. [italic] There are alternative appropriate facilities in the area to meet community needs [italic] [underline] (who and how is this determined?); [underline]
- and
- e. [italic] Sufficient alternative or improved provision will be made in a suitable location to serve the local community which clearly outweighs the loss. [italic] [underline] (who and how is this determined?) [underline]

As written the scope of IF4 facility types are very wide and could be confusing to the reader/implementation with developers mixing 'marketing a site' when this is not applicable to playing fields / leisure buildings.

Greater clarity needed that Exeter Policy IF4 is in line with the NPPF para 104 regarding sport and recreation including playing fields.

Modifications: [bold] Action – re-write Policy IF4 to be compliant with para 104 of the NPPF. [bold]

Requested to attend examination?: -

Ref: C-03-15-IF4

Representor: Anne Codner

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF4: Open space, play areas, allotments and sport

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: We object to this draft policy in its current form. Our objections are twofold.

Firstly, we strongly object to the inclusion of the land opposite 51 Homefield Road (within this section referred to as ‘the site’) within the IF4 designation on the draft policies maps.

Draft Policy IF4 specifically protects [italic] “Existing open space, play areas, local green spaces, allotments, playing pitches and sports facilities” [italic] (underlining our emphasis).

Bramdean School, before its closure in 2020, was an independent / private school. The site in question is in private ownership and has never historically been available to the general public for sports, recreational or general public open space use and is therefore not available. The site only served a space used by pupils of the former private school when the school was open.

Fundamentally therefore, the site does not comprise an ‘existing’ open space or playing field. Indeed, given the former private school has closed, the site is not surplus to requirements.

The total site area measures 0.5 hectares and measures approximately 80 metres by 60 metres at its narrowest point. However, this is the gross area and includes a number of mature trees located around the boundaries of the site, and is not therefore the ‘net’ area of the former playing field.

We note that the site has been referred to within the evidence base supporting the draft local plan, specifically the Exeter Playing Pitch Strategy (October 2022) and Exeter Housing and Economic Land Availability Assessment (HELAA) (November 2024).

Paragraph 1.5 of the Playing Pitch Strategy outlines when disposal of a playing field is deemed appropriate, and this includes [italic] “that the proposed development affects only land incapable of forming part of a playing pitch”. [italic] Indeed, it is noted that paragraph 2.18 of the document states: “[italic] access of up to the equivalent of a minimum of an additional 7 x Youth 11v11 and 5 x 9v9 pitches will be required, ideally on sites which are able to accommodate a range of pitch sizes.....

.....There is potential for greater community use at a small number of other schools, notably the new Monkerton Community Primary School and the playing field at the former Bramdean School (now closed)”. [italic]

This same paragraph goes on to list the priority for a number of sites which could be brought back into use for youth football. The site sits at the bottom of this priority list.

In the knowledge that this evidence base document is highlighting the potential of the site for youth football provision it is therefore important to review the football pitch areas which are set out in the Playing Pitch Strategy Glossary of Terms and Pitch Sizes (Table 2). This confirms that for a youth football pitch for 9v9 a pitch area of 0.41 hectares is required, with space of 79 metres x 52 metres. This excludes any run-offs, car parking or other facilities such as toilets and changing / storage facilities.

Whilst the total gross area of the site measures 0.5 hectares, this includes a number of mature trees and vegetation around the boundaries of the site. Instead, the net area used as the former private school playing field only measures 0.35 hectares. Equally, the dimensions of the space available (as previously used by the former private school excluding the trees and vegetation) only measures 67 metres x 45 metres, and is therefore too narrow and small for the youth football pitches identified in the Playing Pitch Strategy.

This is a fundamental flaw in the evidence base, and raises the question over whether the authors of the Playing Pitch Strategy actually visited and measured the site. Had this been the case the conclusions of the evidence will clearly have been different.

The assessment of the site, has it been undertaken accurately for example, would have identified that the site is too small to fit the football pitches needed.

In addition, the site is not available as it is private land that has never been available for public use and never functioned as a community space. There is no prospect of the site being used for a community use in the future, and is surplus to requirements.

There are already existing public or community open spaces and recreation facilities in the local area, including Heavitree Pleasure Ground, Heavitree Football Club and Exeter School.

As a result of the above, it is important to bear in mind the draft policy states that:

“Existing open space, play areas, local green spaces, allotments, playing pitches and sports facilities will be protected unless it can be robustly demonstrated that:

- a) They are no longer fit for purpose; or
- b) They are no longer viable and there is no reasonable prospect of the site being used for a community use in the future; or
- c) They are surplus to requirements; or
- d) There are alternative appropriate facilities in the area to meet community needs” *[italic]*

As outlined above, the site does not meet any of the criteria to justify retention as open space or recreation, given that it is no longer fit for purpose, no prospect of it being available for community use in the future, and is surplus to requirements. Equally, the site is located in an area of the city where good quality facilities are already available to meet community needs.

It is also noted that general playing pitch provision is within the Infrastructure Delivery plan but no cost is provided.

Paragraph 32 of NPPF states:

“The preparation and review of all policies should be underpinned by relevant and up to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals”. [italic]

Para 35 of the NPPF details the tests of soundness that Local Plans will be assessed against at examination in public. This requires plans to be justified based on proportionate evidence and effective or deliverable over the plan period as well as consistent with national policy.

Similarly, the second paragraph of the draft policy states that residential development proposals must provide or make contributions toward facilities in accordance with [italic] “the relevant adopted Supplementary Planning Documents or their successors”. [italic]

In practice, this requires development to accord with [underline] any and all [underline] as yet undefined, unevidenced and untested supplementary planning documents and guidance. This is policy by the backdoor.

Either the Council should remove this reference in full, or any standards that the Council will seek to apply should be included within the Policy itself, to enable proper consideration and viability testing.

Overall, the available evidence does not support the designation of the site as open space or recreation. As outlined in our response to this draft policy, the site is too small to accommodate the youth football pitch provision identified in the Playing Pitch Strategy. The site is also in private ownership and has never accommodated any public access or community use.

Modifications: The site should therefore be removed from the draft policy IF4 designation in the draft policies map as the site is not suitable for Open Space, Play Areas, Allotments and Sports’ as it is clearly not capable of delivering a sports pitch (large enough) or available for this purpose.

Given the circumstances relating to the site, it is also considered that the fifth point in the draft policy should be amended to reflect that there will be circumstances where it is not necessary to provide alternative provision to offset a loss, particularly if such a loss does not exist.

To ensure soundness, we consider that the fifth point should be amended as follows:

a) [italic] [underline] Where required and justified, [underline] sufficient alternative or improved provision will be made in a suitable location to serve the local community which clearly outweighs the loss. [italic]

The site should therefore be removed from the draft designation, as it is neither justified nor deliverable and is therefore contrary to the requirements of the NPPF. A much better use of the site would be for residential development, for the reasons outlined in our response to draft Policy H2, which would have the opportunity to provide improved public access, something the existing site cannot do.

Requested to attend examination?: Yes

Ref: C-07-15-IF4

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF4: Open space, play areas, allotments and sport

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The second paragraph of Policy IF4 (Open space, play areas, allotments and sport) states that:

Residential development proposals will be required to provide, or make contributions to, a range of sports facilities, playing pitches, play areas, open space and allotments (including ongoing management and maintenance) to meet technical standards in accordance with an appropriate City Council needs assessment and the relevant adopted Supplementary Planning Documents or their successors.

On behalf of the Client, the following arguments are made:

- Firstly, by only stating “residential development” it is not suitably clarified how this policy is applied to different housing types such as build to rent housing, co-living housing, homes for older people and PBSA. For example, PBSA should be excluded from contributing towards play areas and allotments which are very unlikely to be used by student residents. Furthermore, amenity space within PBSA developments typically provides both indoor and outdoor spaces sufficient for leisure, socialising, and relaxation.
- Secondly, the wording also does not allow flexibility for those sites with sufficient existing provision in proximity to the development.
- Thirdly, the policy does not stipulate that these spaces or facilities are required to be in proximity to the site in question. If a development is required to provide or contribute towards such spaces, then it should be mandated that these are in proximity to the site and therefore will benefit occupiers.
- Thirdly, the policy does not consider the capacity of the surrounding area for the provision of new spaces or facilities. For example, in the city centre which will comprise largely of brownfield land, capacity for the expansion of existing sites or the provision of new sites will be significantly constrained. In these circumstances, developments should not be forced to make a contribution towards spaces further away that will not be of benefit to its occupants just to accord with the policy.

Modifications: • Consequently, the Client recommends that provision/contributions are based on a site-by-site basis and an assessment of existing spaces or facilities in the surrounding area and the capacity of the surrounding area to provide new spaces.

[bold] Recommendation: [bold] The wording of Policy IC4 is amended to state that the requirement for residential

development to provide, or make contributions to, a range of sports facilities, playing pitches, play areas, open space and allotments (including ongoing management and maintenance) will be assessed on a site-by-site basis and not be applied to all types of housing.

Requested to attend examination?: Yes

Ref: C-15-15-IF4

Representor: Edenstone Homes

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF4: Open space, play areas, allotments and sport

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Edenstone support the delivery of open space, play and sports facilities to support increases in population as a result of new development, subject to a demonstrable need and viability. However, there is one element of this policy, which is currently unsound and must be removed.

The second paragraph states that residential development proposals must provide or make contributions toward facilities in accordance with [italic] “the relevant adopted Supplementary Planning Documents or their successors”. [italic]

In practice, this requires development to accord with [underline] any and all [underline] as yet undefined, unevidenced and untested supplementary planning documents and guidance. This is policy via the backdoor.

Modifications: Either the Council should remove this reference in full, or any standards that the Council will seek to apply should be included within the Policy itself, to enable proper consideration and viability testing.

Requested to attend examination?: Yes

Ref: C-24-15-IF4

Representor: Landowners of Former Bramdean School Playing Fields

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF4: Open space, play areas, allotments and sport

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: [bold] Exeter Policies Map and former Land at the former Bramdean school between Goldsmith Street and Homefield Road – Policy IF4 [bold]

We note that the school playing fields at the former Bramdean School between Goldsmith Street and Homefield Road continue to be identified on the Submission Draft Local Plan Policies Map as 'Open Space, Play Areas, Allotments and Sports'. As such draft policy IF4 is then relevant to the land.

[image]

Policy IF4 protects [italic] 'Existing open space, play areas, local green spaces, allotments, playing pitches and sports facilities'. [italic] Bramdean School, before its closure in 2020, was an independent / private school. The area of land in question is in private ownership and has never historically been available to the general public for sports, recreational or general public open space use and is therefore not available. The total site area measures 0.5 hectares and measures approximately 80 metres by 60 metres at its narrowest point.

We note that the former playing field at Bramdean school has also been included in the Exeter Playing Pitch Strategy, October 2022.

Para 1.5 of this document confirms when disposal of a playing field is appropriate, and this includes [bold] 'that the proposed development affects only land incapable of forming part of a playing pitch'[bold]. It is noted that para 2.18 of the Playing Pitch Strategy states:

[italic] 'access of up to the equivalent of a minimum of an additional 7 x Youth 11v11 and 5 x 9v9 pitches will be required, ideally on sites which are able to accommodate a range of pitch sizes

.....There is potential for greater community use at a small number of other schools, notably the new Monkerton Community Primary School and the playing field at the former Bramdean School (now closed).' [italic]

This same paragraph lists order of priority for a number of sites to be bought back into use for youth football. Bramdean school sits at the bottom of this list of 9.

Football pitch areas are confirmed in the Playing Pitch Strategy Glossary of Terms and Pitch Sizes in Table 2. This confirms the following pitch areas are needed for football pitches. This does not include run-off or ancillary

facilities such as parking, toilet and storage facilities.

[Table]

This therefore identifies that for a youth football pitch for 9v9 a pitch area of 0.41 ha is needed with space of 79 metres x 52 metres. This excludes any run-offs, car parking or other facilities such as toilets. The land in question is therefore too narrow and small for the youth football pitches identified in the Playing Pitch Strategy. The consultants in undertaking their Playing Pitch Strategy and assessment of sites, clearly did not visit or measure sites. If they had done, they would have identified that the land between Goldsmith Street and Homefield Road is too small to fit the football pitches needed. In addition, the site is not available as it is private land that has never been available for public use. The site should therefore be removed from the policies map as of the land is not suitable for Open Space, Play Areas, Allotments and Sports' as it is clearly not capable of delivering a sports pitch (large enough) or available for this purpose. In addition, it is noted that general playing pitch provision is within the Infrastructure Delivery plan but no cost is provided.

Para 32 of NPPF states:

'The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals'.

Para 35 of the NPPF details the tests of soundness that Local Plans will be assessed against at examination in public. This requires plans to be justified based on proportionate evidence and effective or deliverable over the plan period as well as consistent with national policy.

The evidence put forward with regard to the capability of Land between Goldsmith Street and Homefield Road to accommodate a playing pitch (in particularly youth football) is not robust as it is clear that the area of land is too small to accommodate such provision. In addition, it is not deliverable as the land is in private ownership. The identification for the land for Open Space, Play Areas, Allotments and Sports' is therefore not justified and deliverable and therefore contrary to the requirements of the NPPF.

Modifications: Recommendation

Land at the former Bramdean school between Goldsmith Street and Homefield Road should be removed from the policies map as an area for Open Space, Play Areas, Allotments and Sports as its inclusion is not justified as it is incapable of forming part of a playing pitch. The site is not available for such a use and is not large enough to accommodate the requirement for youth pitches as required in the Playing Pitch Strategy.

Requested to attend examination?: Yes

Ref: C-25-15-IF4

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF4: Open space, play areas, allotments and sport

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Whilst Morgan Real Estate support the delivery of open space, play and sports facilities to support increases in population as a result of new development, subject to a demonstrable need and viability, there is one element of this policy, which is currently unsound and must be removed.

The second paragraph states that residential development proposals must provide or make contributions toward facilities in accordance with “the relevant adopted Supplementary Planning Documents or their successors”.

In practice, this requires development to accord with any and all as yet undefined, unevidenced and untested supplementary planning documents and guidance. This is policy by the backdoor

Modifications: Either the Council should remove this reference in full, or any standards that the Council will seek to apply should be included within the Policy itself, to enable proper consideration and viability testing.

Requested to attend examination?: Yes

Ref: C-40-15-IF4

Representor: TT Group

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF4: Open space, play areas, allotments and sport

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Whilst TT Group support the delivery of open space, play and sports facilities to support increases in population as a result of new development, subject to a demonstrable need and viability, there is one element of this policy, which is currently unsound and must be removed.

The second paragraph states that residential development proposals must provide or make contributions toward facilities in accordance with “the relevant adopted Supplementary Planning Documents or their successors”.

In practice, this requires development to accord with [underline] any and all [underline] as yet undefined, unevidenced and untested supplementary planning documents and guidance. This is policy by the backdoor.

Modifications: Either the Council should remove this reference in full, or any standards that the Council will seek to apply should be included within the Policy itself, to enable proper consideration and viability testing.

Requested to attend examination?: -

Ref: D-02-15-IF4

Representor: Devon Countryside Access Forum

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF4: Open space, play areas, allotments and sport

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: The provision of green space is important for the health and wellbeing of Exeters residents and visitors. The Plan comments on the need for additional open space in proportion to the scale of development. (15.30) but makes insufficient comment on the value of improved green space. The Devon Countryside Access Forum advises that ensuring high-quality green space through improving existing areas and making provision for the future maintenance of both new and improved open space should be strengthened in the Plan. Policy IF4 (Open Space, play areas, allotments and sport) should be amended to include improvement work. This would also reflect the statement in 10.11 that the Riverside and Ludwell Valley Park Masterplan sets out where both new areas of public recreational space could be created and where improvements to existing space can be made. •

Modifications: IF4: Open Space, play areas, allotments and sport.

The last paragraph on development proposals should be amended to include improvements.

Development proposals for improved and new open spaces, play areas, local green spaces, allotments, playing pitches and sports facilities will be supported where they are:

- a) created and designed to be inclusive and accessible to all, regardless of age, ability or background;
- b) integrated into the local active trail network; and
- c) designed to be safe and secure.

Requested to attend examination?: No

Ref: D-06-15-IF4a

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF4: Open space, play areas, allotments and sport

Paragraph: 15.33

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: ECS suggests to omit unnecessary last sentence of the paragraph, as it does not have any relevance for the time period of the plan.

Modifications: Delete: 'Over the last thirty years the number of play areas within the city has almost doubled.'

Requested to attend examination?: No

Ref: D-06-15-IF4b

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF4: Open space, play areas, allotments and sport

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The policy and chapter need to clarify that it refers to 'Public Open Space', not open space in general.

ECS questions the logic of the arrangements of points a) to e). The case for 'sufficient alternative or improved provision' to be 'made in a suitable location' is only valid in the first two cases.

In the 2nd paragraph, the requirement to the provision or contributions to the named facilities seems to be too far reaching, if it states this for 'Residential development proposals'. We suggest to restrict it to 'All major residential development proposals'.

The list in the last paragraph needs an addition, as too often facilities like the ones listed here have been built and after some time have been neglected or have gone out of use completely because of a lack of long-term management, maintenance and funding agreement.

Modifications: Substitute 'Open space' by 'Public open space; in the policy and on pp. 129 and 130.

ECS asks for the restructuring of the argument:

a.) or

b.)

And e.) or

c.) or

d.)

Add the wording in paragraph 2: 'All major residential development proposals'.

Add to the list in the final paragraph: 'd. Supported by a proven long-term management and funding agreement to contribute to the ongoing management and maintenance.'

Requested to attend examination?: No

Ref: E-02-15-IF4

Representor: St Leonards Neighbourhood Association

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF4: Open space, play areas, allotments and sport

Paragraph: 15.28

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: ECC's failure to carry out a review of all prospective Local Green Space sites in Exeter when drawing up the Local Plan.

It has become good practice among many Local Authorities that, when drawing up a Local Plan, a survey of all green spaces in their area is made in order to understand provision and make sure that there will be a good balance between green spaces for communities and required development.

The lack of a research phase in order to carry the policy objective of to:- "Protect and enhance the city's unique natural setting provided by the hills, the Valley parks and River Exe, and improve, extend and connect natural green spaces and deliver net gains for biodiversity" is dereliction of a natural part of the planning process. To 'improve' and 'extend' one needs to know the status quo.

Exeter City Council did not carry out such a survey and hence is not able to make balanced decisions on the allocation of such spaces. The drafting of a good plan requires knowledge of the status quo in order to guide future policy. For this reason we believe that the drafting of the Local Plan by Exeter City Council is UNSOUND.

THIS REPRESENTATION, ALONG WITH TWO OTHERS FROM THE ST LEONARDS NEIGHBOURHOOD ASSOCIATION MADE AT THE SAME TIME, IS SUPPORTED BY OVER 260 RESIDENTS AND USERS OF THE COUNTY HALL GROUNDS. NAMES AND EMAIL ADDRESSES CAN BE SUPPLIED ON REQUEST.

Modifications: The SLNA understands that it may be impractical at this late stage in drawing up the Local Plan, to carry out reviews of this nature, however, we feel that our request to designate County Hall Grounds as a Local Green Space complies so perfectly with the criteria of an LGS that it should be considered and granted. This request is referred to in a separate representation made at the same time.

Requested to attend examination?: No

Ref: F-02-15-IF4

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF4: Open space, play areas, allotments and sport

Paragraph: Objective and 15.28

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: [bold] Failure to carry out an assessment of prospective Local Green Space sites / small green spaces. [bold]

Part of the [bold] objective for Chapter 15 [bold] includes the aspiration of [italic] ‘protecting existing services that play an essential role in the lives of our residents’[italic]; (‘services’ in this chapter includes open spaces).

Exeter City Council has never carried out an assessment of Local Green Space (LGS) sites, despite such designations being a strong way of protecting green space sites that might otherwise be at risk of development encroachments. Other Councils have done LGS reviews as part of their Local Plan evidence base - we believe that Exeter should have also done so. If the Council is not aware of which existing open spaces might benefit from the status of LGS designation, and has not made suitable designations, how can they deliver the aspiration of protecting those spaces to the best of their ability?

[bold] The baseline evidence on Green Infrastructure for the draft Plan is lacking any up to date review of small, local green spaces, [bold] focusing instead on the specifics of trees, the valley parks and landscape impacts. A recent report to the City Council from Historic England, confirms this gap in the information base, saying that:

[italic] “The Historic Places Panel was invited to Exeter at this pivotal moment to provide its recommendations on what it believes is needed for Exeter City Council to deliver an exceptional transformation of the city. Our recommendations are focussed on providing that springboard for delivery, and include: [italic]

- [bold] Ensuring the right skills, capacity, and baseline studies are available to enable the successful delivery of its vision. [.....]; [bold] an [red] updated green infrastructure study [red] would clarify and support the delivery of the city’s carbon neutral targets. [1]

Footnotes

[1] [Embedded link: <https://historicengland.org.uk/whats-new/in-your-area/south-west/historic-places-panel-unlocking-heritage-exeter/#:~:text=A%20team%20of%20national%20experts,to%20help%20fuel%20its%20regeneration>]

Modifications: Carry out a review of prospective Local Green Space sites in order to inform the emerging Parks and Greenspaces strategy.

Update the evidence base to show the current provision of smaller green spaces of all designations, including none.

Designate sites deemed to meet the criteria.

Requested to attend examination?: Yes

Ref: G-02-15-IF4

Representor: Anthony Mayne

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF4: Open space, play areas, allotments and sport

Paragraph: 15.36

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: No

Comments: Poor consultation. No indication of possible “modest enabling development” has ever been suggested at any meetings I have attended in the village. It was always understood that this entire piece of land would be for allotments and it was assumed that the council would be enabling this. “Modest enabling development” is not defined in the document – this ambiguous statement cannot be legally compliant.

Any further development of the land around Alphington, especially Shillingford Road and Chudleigh Road, is unacceptable.

No meaningful co-operation with residents or representatives of the Alphington Village Forum. My understanding is that the AVF has put forward a number of suggestions with respect to various matters regarding the proposed expansion of Alphington but to date I am unaware of any of their suggestions having been accepted.

Modifications: More consultations with current residents and groups on how to achieve the intended use of the land for allotments by looking at alternative funding schemes that would be achievable without further development in this congested part of the village.

The provision of further allotments in Alphington is clearly demonstrated by the fact that 83 of the current 101 plots are used by Alphington residents and with the massive residential development in this area, there is a demonstrated need for additional allotment space. The Council has a responsibility to facilitate and encourage a sustainable lifestyle for all the residents of the city.

Requested to attend examination?: Yes

Ref: G-08-15-IF4a

Representor: Emma Townsend

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF4: Open space, play areas, allotments and sport

Paragraph: 15.36

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: The recommendation that housing could be built on part of the land allocated for allotments on Shillingford Road is unsound. It contravenes the South West Exeter SPD which sets out why this site is allocated for this use and why it is required.

Modifications: Remove reference to development on the allotment site from section 15.36

Requested to attend examination?: No

Ref: G-08-15-IF4b

Representor: Emma Townsend

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF4: Open space, play areas, allotments and sport

Paragraph: 15.36

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: No

Comments: Response from Alphington Village Forum.

AVF were heavily involved with Exeter Council in the development of the South West Exeter Development Brief SPD (2014). This took the form of a series of meetings with the AVF committee and local residents. We therefore consider that ECC have not met their 'duty to cooperate' re section 15.36 on page 131, regarding the site for allotments on Shillingford Road. We also consider this change is not justified by evidence provided with the consultation draft plan.

Within the SW Exeter Development Brief, the allocated site for allotments on Shillingford Road is excluded from the strategic allocation (footnote page 2). The development brief and accompanying Adoption Statement (June 2014) clearly sets out the justification of the provision of this land for allotments with reference to Core Strategy Policy CP17. This site in particular was selected due to it being of an appropriate size, most affected by traffic noise from the A30 and also the most elevated and therefore most visually sensitive.

We object that the consultation draft of the Exeter Plan in section 15.36 includes the following statement regarding the site on Shillingford Road - 'Some small scale, modest enabling development may be appropriate on a part of this site if it were to support delivery of allotments here'. We consider that due to the high level of previous collaboration with AVF, Exeter City Council should have consulted AVF on this proposal to deviate from the SW Exeter Development Brief. All of the 0.37ha site should be used for allotments, especially taking into account the long waiting lists across the city quoted in section 15.35 (800 people on list in 2023). Within the two allotments already in Alphington, 83 of the 101 plots are held by Alphington residents (ref FOI FS675851520). This demonstrates a local need for allotments from existing residents and with more housing still to be built, this need will not reduce. If there is a challenge re a developer funding and taking on the responsibility to bring forwards the allotments, then we request that an alternative to allowing part of the site to be used for housing should be sought.

Alphington Village Forum were not approached directly re this change in the SPD for South West Exeter.

Modifications: Remove reference to the 'modest enabling development' with reference to the Shillingford Road allotments.

Requested to attend examination?: No

Ref: G-19-15-IF4

Representor: Maria Scrivens

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF4: Open space, play areas, allotments and sport

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: -

Requested to attend examination?: -

Ref: G-21-15-IF4

Representor: Neal Jillings

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF4: Open space, play areas, allotments and sport

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: I support the requirement to provide allotments in IF4, in particular the land previously identified as allotments at figure 1 in the South West Exeter Development Brief (<https://exeter.gov.uk/media/1656/alphington-sw-development-brief.pdf>) at Shillingford Road, which has studiously been ignored within the applications that have come forward for surrounding housing development. this land is owned by Devon County Council who are releasing a huge amount of value with Markhams Farm and the land currently being developed at Shillingfor Rd and Chudleigh Rd/Dawlish Rd, yet this land seems to have been held back (potentially for future residential development one assumes). This land is identified in this plan as open space, but has no defined community use or access in contravention of the commitment within the relevant development brief adopted by the City Council..

Modifications: Identify the land at Shillingford Road (as identified in the relevant adopted development brief) for future allotment provision on the proposals map and seek developer contributions towards ensuring delivery. Devon County Council as a public body has been selling off the family silver for some time to prop up its finances. This land should be made available to the community for future allotment provision.

Requested to attend examination?: No

Ref: B-02-15-IF5

Representor: Environment Agency

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF5: New cemetery provision

Paragraph: 15.42 and 15.43

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Para 15.42 and 15.43: New cemeteries: We are pleased to see this additional detail included as per our Reg 18 proposed wording.

Modifications: -

Requested to attend examination?: -

Ref: B-03-15-IF5

Representor: Historic England

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF5: New cemetery provision

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: We welcome the adjustment to IF5(a) to ensure there are no unacceptable impacts on heritage assets including archaeology.

Modifications: -

Requested to attend examination?: -

Ref: D-06-15-IF5

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 15 - Infrastructure and facilities

Policy: IF5: New cemetery provision

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Policy IF5, whilst acceptable as a policy statement, does not adequately reflect the needs of the city highlighted in 15.41 – ‘Analysis shows that each of these sites is nearing capacity. To avoid a disruption in burial services, new provision or a new cemetery site will be required during the Plan period.’

As the burial authority, the city council must look to identify a new cemetery rather than seemingly set out policy which suggests that others may bring forward a new site. This is such an important matter that surely the council must identify and allocate a site in the policies map.

Modifications: Identify a site for a new cemetery which meets all of the requirements set out in the section for cemetery provision.

Requested to attend examination?: No

Ref: B-02-16-X

Representor: Environment Agency

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: [Belle] Isle and Hamlin Lane are both partially within FZ3.

Modifications: -

Requested to attend examination?: -

Ref: B-06-16-X

Representor: National Highways

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The Plan includes Strategic Policies for five strategic mixed-use brownfield allocations and the Topsham Infrastructure Delivery Framework. Wider residential allocations and new transformational employment allocations are shown in map form. We would expect any future planning applications for significant development to be supported by a vision-led Transport Assessment/Statement and Travel Plan, detailing the transport vision for the site, monitoring arrangements, and contribution to the overarching transport strategy.

Modifications: [...] We would expect any future planning applications for significant development to be supported by a vision-led Transport Assessment/Statement and Travel Plan, detailing the transport vision for the site, monitoring arrangements, and contribution to the overarching transport strategy.

Requested to attend examination?: Yes

Ref: B-10-16-X

Representor: South West Water

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The Site Allocations proposed within Chapter 16 of the proposed Local Plan have been modelled by SWW and have provided within its previous consultation response an assessment on initially identified reinforcement works necessary to accommodate each site identified. Further assessment will be required in due course as developments progress and details become available for evaluation.

Modifications: -

Requested to attend examination?: No

Ref: D-05-16-X

Representor: Exeter Cathedral

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: -

Comments: [Chapters 6 & 16] Our second concern relates to the impact of tall housing development on the sightlines of the historic core of Exeter. Still today, the cathedral towers rise above the lower buildings around and can be viewed on approach road and the surrounding area. We are concerned that the new policy of encouraging high-density developments on brownfield sites, laudable in the right setting, will bring the construction of tall buildings in the walled area or immediately outside it which will cause irreparable damage the city centres historic skyline. The developments at East Gate and outside South Gate seem to us to pose a particular risk here. The cathedral has previously made representations on this point. We welcome the [italic] Views, Density and Heights Study, [italic] which has been undertaken recently, but note that this has not issued in a specific policy in this area.

Modifications: We would urge adoption of the [italic] View, Density and Heights Study [italic], and taking into account a full Environmental Impact Assessment and modelling of the effect of new buildings on sightlines the citys historic core, including on the cathedral, before such buildings are committed to within the plan.

Requested to attend examination?: Yes

Ref: D-09-16-X

Representor: RSPB

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: -

Paragraph: 16.3

Site: -

Legally Compliant?: -

Sound?: Yes

Duty to Co-operate?: -

Comments: RSPB supports the Council's policy to focus on prioritising re-development of brownfield sites for new housing etc, and the inclusion of requirements to enhance the natural environment and green infrastructure associated with the allocations, together with the appropriate developer financial contributions (re new housing) towards the South East Devon Habitats Mitigation Strategy. Creating new local residential developments, with a focus on no or low car use, and sited close to local facilities, will contribute to achieving net zero.

Modifications: -

Requested to attend examination?: No

Ref: F-01-16-X

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: H-16-16-X

Representor: Anonymous

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: -

Paragraph: 16.7

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: Map shows site 158 as a site for future development. This is not correct. This is the site of the temporary Matford Lane offices at County Hall. The recent demolition of these huts was permitted with the condition that the land should be returned to Greenfield.

Modifications: This site should be clearly identified as Greenfield land. This land should not be identified on the map for development.

Requested to attend examination?: No

Ref: A-01-16-SBA1

Representor: Devon County Council

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA1: Water Lane (Strategic policy)

Paragraph: -

Site: SBA1: Water Lane (Site Ref. 15)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Whilst Policy SBA1 specifies provision of a two form entry school at Water Lane, Devon County Council requests that a site of at least 1.6ha is allocated for this purpose.

Policy SBA1 - Water Lane A. iv.

The pending application 23/1007/OUT at the Water Lane site, proposing between 900-980 homes, does not identify any Extra Care Housing provision. As a result there is uncertainty about whether the necessary extra care housing will be delivered at Water Lane with the remaining land yet to come forward and the requirement of Policy SBA1 being met. We have made further comments associated with this issue about the East Gate policy below.

Modifications: Whilst Policy SBA1 specifies provision of a two form entry school at Water Lane, Devon County Council requests that a site of at least 1.6ha is allocated for this purpose.

Policy SBA1 – Water Lane C. vii.

Further to our comments above relating to paragraph 15.25 we request that additional wording, as shown in bold below, is added to part C. vii to ensure that the policy allocates a school site large enough to comply with current Government guidance (Building Bulletin 103):

“vii. A 2 form entry primary school including early years and communal space for a family hub [bold] on a site of at least 1.6 ha [bold] and contributions to secondary and special educational needs provision”

Requested to attend examination?: -

Ref: B-03-16-SBA1

Representor: Historic England

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA1: Water Lane (Strategic policy)

Paragraph: -

Site: SBA1: Water Lane (Site Ref. 15)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Historic England supports the principle of brownfield regeneration at Water Lane and we welcome the adjustments to Policy SBA1 part J to strengthen heritage considerations following consultation on the Full Draft Plan.

This is a large area located between the historic city centre and the western hills that form part of the landscape setting of Exeter. The height and massing of any new development therefore has the potential to impact adversely on views into, or out of, the historic city. Consistent with our comments elsewhere in the Plan, we request an adjustment to part J(i) to ensure an appropriate response to the evidence base.

We also request confirmation that the stated capacity of 1,861 homes is consistent with the parameters contained in the adopted Liveable Water Lane SPD, as tested by the Exeter Water Lane Views Analysis.

Modifications: "J. Conservation and enhancement of the historic environment:

i. A layout and built form [underline] that seeks to conserve and enhance important strategic and local views and is [underline] informed by [~~strikethrough~~] the Exeter Views, Density and Heights Study and [~~strikethrough~~] archaeological and heritage assessment, evaluation and mitigation;"

Requested to attend examination?: -

Ref: B-11-16-SBA1

Representor: Sport England

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA1: Water Lane (Strategic policy)

Paragraph: -

Site: SBA1: Water Lane (Site Ref. 15)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: [bold] Strategic mixed use brownfield allocation: SBA1 - Water Lane (Strategic policy) [bold]

Support improvements for sport to Bronhams Farm and Grace Road Playing Fields for sport / playing pitch use (bring back into use), activities like cycling and running alongside the river and canal to the Quay and beyond. Perhaps a café to encourage co-location of the changing rooms. What work will be carried out to inform this proposal?

Modifications: Support improvements for sport to Bronhams Farm and Grace Road Playing Fields for sport / playing pitch use (bring back into use), activities like cycling and running alongside the river and canal to the Quay and beyond. Perhaps a café to encourage co-location of the changing rooms. What work will be carried out to inform this proposal?

Requested to attend examination?: -

Ref: C-01-16-SBA1

Representor: 1 Energy (Exeter Energy Limited)

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA1: Water Lane (Strategic policy)

Paragraph: -

Site: SBA1: Water Lane (Site Ref. 15)

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: Water Lane Policy SBA1 and Policy NE1 Landscape Setting Areas & NE2 Valley Parks

Grace Road Playing Field is identified as disused, and majority of the Water Lane allocation was identified as part of the Exeter Local Plan First Review for development. The site of the proposed Energy Centre is in a highly sustainable location and can provide the energy network required within the policy.

[Figure 1: Location of Grace Road Playing Fields]

The supporting policy map includes our client's site within the strategic mixed use brownfield allocation in policy SBA1. As part of this allocation, limb "G" identifies that a requirement for an energy strategy that minimises carbon emissions both operational and embodied, and incorporates renewable and low energy generation that helps to deliver, and connect to, local energy networks.

Through policy SBA1 supporting proposals for an energy centre in this location, it will allow the requirement towards net zero to be significantly met, not just for Water Lane but also for Exeter.

To support this aspiration, the policy references the Liveable Exeter SPD, where it is recognised that the site is an energy, nature and wildlife opportunity. The Exeter Energy Centre will meet these criteria by providing a facility which will benefit the City in its desire to be net zero, and provide 20% biodiversity net gain.

Overall, the policy is supportive of renewable proposals, however, this must also be considered against the other policies of the plan because the site is within the Valley Park and landscape setting of the city. When these policies are considered against one another, it is clear that there are policy conflicts between each other.

Conflicts of policy

It is considered that there are conflicts of policy between the proposed policies, the Liveable Exeter SPD and the adherence to the Ludwell Valley Masterplan in policy NE2.

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.

In examining the location of an energy centre, other sites have been examined and deemed unacceptable. The inclusion of the site at Grace Road, Marsh Barton within the allocation will not set any kind of precedent for development within the Park because it has long been anticipated as having a future use, it is land surplus to requirements, is visibly contained, is directly adjacent the energy from waste building, and in a location which can make good use of surrounding infrastructure. It will not therefore undermine the landscape designation.

We are therefore supportive of aspects of policy [bold] NE1 [bold] 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.

[underline] However, [underline] policy [bold] NE2 [bold] identifies that development proposals which are contrary to the Ludwell Valley Park Masterplan will not be permitted. This is not legally compliant because it gives legal weight to a [bold] Ludwell Valley Masterplan [bold] which not endorsed for Development Management Purposes.

[Figure 2: Wording of NE2]

The Council themselves have approved development which is contrary to the Plan for a solar farm on a site envisaged as a BMX track (see figure 3 below).

[Figure 3: Extract from Exeter Masterplan]

Furthermore, there are clear conflicts between the requirements of policy NE2 and the proposed policy SBA1 which allocates the site as a part of a strategic mixed use brownfield allocation, and, gives weight to the Liveable Exeter DPD which was 'made' in 2024.

[Figure 4: Proposed policy SBA1 – Water Lane]

The Liveable Exeter Supplementary Planning Document lists at Policy [bold] S15 [bold] a number of alternative uses for the site at Grace Road including BNG habitat bank, woodland creation, recreational area, wildlife hub, canal Basin/marina, [bold] energy centre [bold], allotments and solar farm.

[Figure 5: Policy S15 Liveable Exeter]

The Masterplan therefore limits the use of the site to a potential campsite and festival space.

The policies do not therefore align with one another, and there is therefore a distinct conflict between the requirement to adhere to the Masterplan and the requirements of a 'made' document and the proposed policies and uses for the site contained within the new Local Plan.

Given the status of the Masterplan, the position of the SPD and proposed policy SB1A, and the evident conflict between uses envisaged for Grace Road, it is therefore unreasonable to require that development proposals must adhere to the Masterplan.

This requirement will prevent alternative development advocated and supported by policies within a made document and other policies emerging out of the local plan and the new NPPF 2024 from coming forward and being found acceptable.

Modifications: -

Requested to attend examination?: Yes

Ref: C-18-16-SBA1

Representor: Exeter City Council (Corporate Property)

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA1: Water Lane (Strategic policy)

Paragraph: -

Site: SBA1: Water Lane (Site Ref. 15)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: In accordance with regulations.

Site allocation at Water Lane is considered justified (based on evidence) and effective (deliverable) as evidenced by resolution to grant status of significant phases and availability of City Council land.

Evidence of discussion with required bodies provided.

Modifications: -

Requested to attend examination?: Yes

Ref: C-27-16-SBA1a

Representor: National Grid Property Holdings and Wales and West Utilities

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA1: Water Lane (Strategic policy)

Paragraph: -

Site: SBA1: Water Lane (Site Ref. 15)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: [bold] Part E of Policy SBA1 [bold]

[italic] "E. Transport infrastructure to deliver a low-car development:

i. A layout that accords with active design principles, with Water Lane providing an active travel spine connecting Haven Banks with the neighbourhood centre and Marsh Barton Station, improved active travel routes along the Canal frontage, a new neighbourhood street connecting Water Lane and the neighbourhood centre with the Canal, the transformation of Haven Road to an active travel priority street and frequent, active green streets and lanes running towards the River Exe;" [italic]

The Gasworks site is an existing, well-used industrial site that is still partially operational and if these changes are implemented prior to an alternative access being formed from Water Lane this will result in significant operational implications for the Gasworks site, and indeed the construction, and ongoing operation of, the recently approved pressure reduction system (PRS) (ref: 23/1489/FUL). The Gasworks site, from an operational viewpoint, supplies and provides gas to Exeter and the surrounding area, serving some 33,000 customers and businesses. It is imperative, therefore, that access is maintained at all times.

Therefore, we maintain our objection to the transformation of Haven Road until such time that an alternative access has been agreed / finalised. This should be made very clear in the policy or accompanying text. We request that the Council continue to update us on the access options for Water Lane to ensure access is unaffected and future development plans are not un impacted.

[bold Part H of Policy SBA1 [bold]

[italic] "H. Appropriate measures to respond to, and ensure the continued operation of, the gas and electricity infrastructure network across the site." [italic]

NGPH and WWU welcome the inclusion of appropriate measures to ensure the continued operation of gas and infrastructure across the site. As mentioned in our previous representations to the Local Plan and Water Lane SPD, the key infrastructure within the wider site is the existing high pressure gas main, and it is encouraging to see in the recent decision for the adjacent outline proposal, that the high pressure gas main appears to be an integral part of the development proposals.

[bold] Part L of Policy SBA1 [bold]

[italic] “L. Investigation and appropriate mitigation and remediation of any contaminated land, to ensure that the land is, or can be made suitable for, the proposed used.” [italic]

It is anticipated that there will be significant abnormal costs associated with the remediation of the Gasworks site, necessary to facilitate any redevelopment on the site. At the time of writing, this is anticipated to total circa £10 million, to include gas infrastructure rationalisation and remediation.

Modifications: [...] It is imperative, therefore, that access is maintained [underline] at all times.[underline]

[...] This should be made very clear in the policy or accompanying text. We request that the Council continue to update us on the access options for Water Lane to ensure access is unaffected and future development plans are not un impacted.

Requested to attend examination?: Yes

Ref: C-27-16-SBA1b

Representor: National Grid Property Holdings and Wales and West Utilities

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA1: Water Lane (Strategic policy)

Paragraph: 16.14

Site: SBA1: Water Lane (Site Ref. 15)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Supporting paragraph 16.14 states

[italic] "The site is currently in multiple ownerships, including areas owned by the City Council. 341 of the total homes identified at Water Lane already benefit from a resolution to approve planning consent, subject to the completion of a Section 106 Agreement (under planning application reference 22/1145/FUL). These homes are not included in the housing capacity specified in policies SBA1 and H2. An outline planning application for mixed use redevelopment of another part of the site is pending consideration." [italic]

It is encouraging to see that the outline application has now been approved.

Approximately four of the 36 hectares of the Water Lane strategic site is owned by NGPH and WWU, forming a significant proportion of the central part of the strategic site.

Modifications: [...] As set out in our previous representation it is requested that Paragraph 16.14 is amended to reflect the importance of the Gasworks site as part of the wider regeneration plans, to read (inserted text provided in red and underlined):

[italic] "The site is currently in multiple ownerships, [red, underline] including areas owned by the City Council and the operational Gasworks site owned by National Grid and Wales and West Utilities. [red, underline] 341 of the total homes identified at Water Lane already benefit from a resolution to approve planning consent, subject to the completion of a Section 106 Agreement (under planning application reference 22/1145/FUL). These homes are not included in the housing capacity specified in policies SBA1 and H2. An outline planning application for mixed use redevelopment of another part of the site is pending consideration." [italic]

Requested to attend examination?: Yes

Ref: C-41-16-SBA1

Representor: University of Exeter

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA1: Water Lane (Strategic policy)

Paragraph: -

Site: SBA1: Water Lane (Site Ref. 15)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University recognises that Water Lane represents a key strategic brownfield redevelopment opportunity for the city and is supportive of policy that supports the delivery of a new sustainable neighbourhood.

The University is supportive of policy that prioritises the delivery of a new energy centre and related infrastructure for the benefit of the University, other organisations and institutions within the city. Aligned to this, the University has also registered its support for ECC's *[italic]* Liveable Water Lane SPD *[italic]*.

Officers will be aware that the University are in discussions with 1Energy regarding the provision of a new energy centre in this location as part of its plans to develop a city-wide heating network.

Modifications: -

Requested to attend examination?: No

Ref: D-06-16-SBA1a

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA1: Water Lane (Strategic policy)

Paragraph: -

Site: SBA1: Water Lane (Site Ref. 15)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: A major problem of the transport infrastructure for the large brownfield development Water Lane is the connectivity to the already busy area outside the proposal's boundary, especially the Haven Banks and Water Lane areas. ECS together with local groups laid out the problem in their 'Prospectus for the Development of the Wider Water Lane Area' in 2022. The Water Lane SPD does not address this issue sufficiently. It would be therefore necessary to include this in the Exeter Plan.

Modifications: ECS suggests to produce an additional first bullet point in list E:

'A layout that connects well to and addresses and solves the problems with the existing transport infrastructure in the areas outside the Water Lane development area;'

Requested to attend examination?: Yes

Ref: D-06-16-SBA1b

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA1: Water Lane (Strategic policy)

Paragraph: -

Site: SBA1: Water Lane (Site Ref. 15)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Policies SBA1, SBA2, SBA3, SBA4, and SBA5 all list in policy Aii the need to provide serviced self-build plots, but as these sites are likely to be multi-use sites with high rise structures is this at all likely?

These are complex brownfield sites where individual plots are unlikely.

6.40 says that the plot could be an area of land or a customisable unit, but we have concerns that a customisable apartment shell, whilst offering an opportunity for some, is not in the spirit self-building because the fabric of the building, windows and drainage are likely to be in fixed positions, offering little scope for designing a home. Furthermore, the owner will be subject to service charges and possibly leasehold charges.

Modifications: Remove Aii or reword requiring the strategic sites to fund the provision of off-site self-build plots at a ratio of perhaps 1% of proposed homes.

Requested to attend examination?: No

Ref: G-24-16-SBA1

Representor: Penelope Bayer

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA1: Water Lane (Strategic policy)

Paragraph: -

Site: SBA1: Water Lane (Site Ref. 15)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: I am unclear whether there is a legal right to build on Exeter Quay which has been a public quay, with rights for boats to load and unload, be repaired and boat-building, for centuries.

Exeter Quay is recently designated a Historic Quay. It is one of the most important parts of Exeter's heritage and has been for many centuries. The retention of the character of the quay depends on its use by boat owners for business and recreation. There are currently historic boats being repaired on the quay which add to the history and character of the place, customary over centuries. The City Council does not seem to understand that this is a major asset for the City to be cherished and nurtured.

Policy SBA1 refers to inclusion of space for water related activities at Clapperbrook Hub at Bramham's Farm. As far as I know, this is not on Exeter Quay. In addition the policy does not refer specifically to boat repairs and boat building.

This policy is contrary to Policy HH1 which states that all development proposals will be supported only where they conserve enhance or reveal the historic environment, in this case the use of the quay for boat repairs and boat building as well as loading and unloading boats.

Modifications: The Plan should refer to the historic nature of the Quay for boat related activities and set out exactly how it will make provision for loading, unloading, boat repairs and boat building at the quay.

The Plan should explain from where it derives the right to build on Exeter Quay and the extent of that right and why its use as a public quay for boat related activity is being reduced or ended.

Without prejudice to the above, this section of the Plan should refer specifically to how the future plan meets the needs of boat repairers, boat builders and the loading and unloading of boats at Exeter Quay (with land allocated for this purpose) whilst also contributing to the nature of the designated historic quay.

Requested to attend examination?: No

Ref: G-26-16-SBA1

Representor: Rachel Hart

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA1: Water Lane (Strategic policy)

Paragraph: -

Site: SBA1: Water Lane (Site Ref. 15)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: 16. 12

This planning proposal is exactly what Exeter - and the wider country - needs, We are facing a significant housing crisis, especially in Exeter and cities like it; there is a clear need for more homes to be built. But its not just about increasing the number of houses; its about improving the quality of housing we offer and ensuring it meets the needs of modern living. This proposal does just that, focusing on creating better-quality homes that are sustainable, energy-efficient, and well-connected to the community.

This plan in particular targets a site that is already suited for redevelopment, making the most of a space that is underutilised, using it to significantly increase housing supply and supporting the effects of that. This approach is key to transforming these areas into thriving, vibrant communities while protecting the citys green spaces and preserving its character. This proposals emphasis on redevelopment in suitable areas helps to balance the need for housing with the need to maintain Exeters unique identity and environment.

One of the most compelling aspects of this plan is the focus on engaging the community. Involving local people in the process ensures that the development reflects the needs and desires of those who live here, creating spaces that work for everyone. The proposal also prioritises the long-term future of the city, ensuring that the developments we build today will be flexible and resilient enough to adapt to the challenges of tomorrow. By building homes in the right places, with the right quality, and with strong community involvement, this plan sets a positive course for the future of Exeter.

Its made me very happy. We all need more homes developed like this. Young people, especially need developments like this, to bring down costs by increasing supply, making us less reliant on the bank of mum of dad to get on the housing ladder, if ever. Without affordable homes, we cant start families, be settled, contribute to the economy and social fabric of Exeter and the UK more broadly. This isnt important just for young people; its important for securing the future of Exeters place as a cultural, dynamic place to live and work.

As someone whos just moved to the city to work and is 23 years old, this is my very first time engaging with the planning process. Ive been struck by how accessible its been. After reading about the importance of young people contributing their views, I felt encouraged to get involved”and Im really glad I did. The entire process has been straightforward and welcoming, with all the relevant information available to me in a clear, easy-to-understand way. Its refreshing to see how inclusive and transparent the planning system can be, especially for

those of us without detailed knowledge of the intricacies of these important decisions. Engaging with this process has shown me how vital it is for young people to have their voices heard in shaping the future of our cities.

Modifications: -

Requested to attend examination?: Yes

Ref: H-17-16-SBA1

Representor: Anonymous

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA1: Water Lane (Strategic policy)

Paragraph: -

Site: SBA1: Water Lane (Site Ref. 15)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: -

Requested to attend examination?: -

Ref: A-01-16-SBA2

Representor: Devon County Council

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA2: East Gate (Strategic policy)

Paragraph: -

Site: SBA2: East Gate (Site Ref. 145)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: As Marsh Barton has since been removed as a site allocation, only one out of the two required extra care housing schemes remains identified within the Publication Plan site allocation policies (Water Lane Strategic Policy SBA1).

Modifications: Without another identified extra care housing scheme, there is uncertainty over whether sufficient extra care housing provision can be delivered in Exeter and we think that there is still a need to identify extra care housing provision within another site allocation. We consider that the East Gate allocation represents a suitable site for Extra Care Housing due to its size and proximity to facilities which is supported by Policy H8 but recognise this may not necessarily be the preferred option for the site owners. We would however continue to encourage alternative sites being investigated which meet the requirements of Policy H8: Homes for older people and in particular H8.b where the proposal is "...well connected to local shops, services and community and support facilities, including health facilities and public transport;"

Requested to attend examination?: -

Ref: B-01-16-SBA2

Representor: Devon and Cornwall Police

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA2: East Gate (Strategic policy)

Paragraph: 16.16

Site: SBA2: East Gate (Site Ref. 145)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The text accompanying Policy SBA2 provides a description of the current uses of East Gate. It does not mention the police station/office within the Civic Centre. Policy SBA2 is silent on the requirement of any police infrastructure. Adequate police infrastructure and facilities is critical for the provision of safety and security of the public and to accord with the overall objectives of the NPPF. The lack of reference to the existing police station/office is of considerable concern to DCP. There should be consistency with the objectives for maintaining safety and security throughout the relevant policies within the Exeter Plan.

[bold] Policy support for police infrastructure funding via CIL and Section 106 obligations/contributions [bold]

There are statutory tests in Regulation 122 of the CIL Regulations which are repeated as policy tests in the NPPF. These tests apply whether or not there is a levy charging schedule for the area.

The tests are that planning obligations may only be required and constitute a justification for granting planning permission if they are:

[italic] 1) necessary to make the development acceptable in planning terms;

2) directly related to the development; [italic]

3) fairly and reasonably related in scale and kind to the development.

It is considered that police infrastructure is required to provide a safe community, where crime and disorder and the fear of crime do not undermine quality of life or community cohesion, and measures are taken to deter crime, is social infrastructure that is essential to achieving sustainable development. Section 106 contributions sought in order to fund the necessary infrastructure for office reprovision and or equipment for additional police personnel at the Police station/office at the Civic Centre or an alternative suitable location are necessary to make development acceptable in planning terms.

There is a correlation between an increase in population and an increase in crime and disorder. Development at the proposed allocated site at East Gate and any development elsewhere in the City and throughout Exeter's retail and administrative catchment area will necessitate additional police personnel and Section 106 contributions sought would be directly linked to the development.

DCP currently estimate the cost of employing a police officer in respect of equipment cost for personnel, (this does not include building costs) would be £11,424 as adjusted for inflation. The Police would work with ECC and the Inspector to quantify a current accurate cost. Police would seek through Section 106 contributions for each additional officer in addition to the cost of the reprovision of the police office at the Civic Centre.

There are at present 45 police offices and police staff based in the Police office at the Civic Centre which will increase to between 48 – 50 once the public enquiry office (PEO) opens. The Police have 6 marked police cars and 2 public order vans operating from this base. Accommodation for this unit size would be the minimum reprovision the Police would seek based on the existing population level in Exeter City.

The existing police office at the Civic Centre is 292 sqms of which is considered too small. By way of comparison the police station at Ivybridge has a comparable officer cadre and is at 360 sqms accommodating 44 officers/staff raising to 48 when the PEO opens. Any replacement office for the Exeter City Centre should be a minimum of 425 sqm for 10% expansion allowing for electric bike storage and a meeting room/meals room and to provide parking for 12 vehicles (6 cars, 2 vans, expansion of 2 cars, PEO visitor and 1 for disabled parking). If the building at the Civic Centre is demolished due to the allocation of the East Gate site in the Exeter Plan. It is vital that for the proper planning of the City and Devon as a whole that ECC work with DCP to identify and make available for occupation prior to loss of the Civic Centre, a City Centre police office that should be delivered at no additional cost to DCP either as a scheme cost through CIL or Section 106 obligations/contributions.

The replacement police office should be an adequate size to meet the growth needs of the City Centre having regard to population growth and commercial development in all parts of Devon that are served by Exeter City Centre.

The Police concerns continue with the draft infrastructure delivery plan (IDP) that accompanies the Exeter Plan. Reprovision of the Police infrastructure should not place any additional burden on the Police. The potential funding sources to strategic police infrastructure would need to be through CIL/ Section 106 obligations/contributions and the IDP should include reference to these types of funding sources.

Residential or commercial development in Exeter City Centre will increase pressure on police resources and infrastructure and there should be sufficient regard in the Exeter Plan to the provision of police infrastructure and facilities and funding resources through Section 106 /CIL.

[bold] Appeal decisions concerning the principle of seeking CIL and Section 106 obligations/contributions towards police infrastructure **[bold]**

The principle of seeking contributions towards policing infrastructure is well established. As stated within a decision by the Secretary of State at Melton Road, Leicestershire (14th May 2013, ref APP/X2410/A/12/2173673), paragraphs 288 to 294:

[italic] “It seems to me that the introduction of additional population and property to an area must have an impact on policing, in the same way as it must on education and library services, for example. Moreover, it also seems to me that the twelfth core planning principle of the Framework, that planning should... “take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs”, can only be served if policing is adequate to the additional burdens imposed on it in the same way as any other local public service. The logic of this is inescapable.....Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services.” *[italic]*

In addition to the above the following appeal decisions all accept the inclusion of planning obligations relating to the provision of police infrastructure and services:

Appeal Ref: APP/K2420/A/13/2210904 Land off (to the south of) Spinney Drive and land off (to the east of) Brookside, Barlestone, Leicestershire.

Appeal Ref: APP/X2410/A/12/2187470 Land at (the former) Rearsby Roses Ltd, Melton Road, East Goscote LE7 4YP.

Appeal Ref: APP/R3705/W/19/3234056 Land East of Islington Farm, Tamworth Road, Wood End, Warwickshire.

Appeal Ref: APP/R3705/W/18/3196890 Land to the south of Tamworth Road and to the west of the M42, Tamworth, B78 1HU

Appeal Ref: APP/C3810/W/17/3187601 Land west of Church Lane and south of Horsemere Green Lane, Climping, West Sussex, BN17 5RY

Appeal Ref: APP/R3650/V/17/3171287 Dunsfold Park, Stovolds Hill, Cranleigh, Surrey, GU6 8TB

Appeal Ref: APP/R1845/W/17/3173741 Land off The Lakes Road, Bewdley, Worcestershire, DY12 2BP

Appeal Ref: APP/C3105/W/17/3172731 White Post Road, Banbury (Grid Ref. Easting: 445726 and Grid Ref. Northing: 238365) Appeal Ref: APP/Y2430/A/14/2224790 Land to the east of Nottingham Road, Melton Mowbray, Leicestershire.

There are more examples but the above should provide an indication of the level of support for such contributions and the geographical spread across the country where such contributions have been secured. There appears to also be a common misconception that the police can raise funds through the council tax precept and so essentially those paying council tax are paying twice for blue light services if Section 106 developer contributions have also been collected for police infrastructure. This is not the case; the council tax precept pays for revenue costs (such as police wages) and not capital costs (such as police equipment). Without developer-funded contributions for infrastructure the police will have to dilute the spread of resources for existing residents and also new residents brought into the relevant area by virtue of any new development.

Modifications: The Police ask for a modification to the explanatory text at paragraph 16.16 to include the following wording in bold:

[italic] 16.16 East Gate is located on the edge of the city centre, stretching from Sidwell Street, to Cheeke Street, Paris Street and the end of Heavitree Road. It currently contains a variety of uses including [bold] the policing provisions, police office, public enquiry office, [bold] office, business and retail, residential, public car parking, the former bus station and former Pyramids Leisure Centre [italic]

To ensure police infrastructure, police provision and funding sources are sufficient and deliverable the Police ask for a modification to Policy SBA2 at paragraph C to include the following wording in bold and the deletion as struck out:

[italic] C. Social, community, [strikethrough] and [strikethrough] cultural, [bold] safety and security [bold] infrastructure:

- i. Public realm that provides space for community and cultural activities;
- ii. Retail or commercial units;
- iii. [bold] Policing space for the provision on-site or reprovision of policing facilities for the community at an suitable alternative site within the City centre; [bold]
- iv. Potential space for education/training provision/an innovation hub;
- v. Contributions to early years, primary, secondary and special educational needs and provision;
- vi. [bold] Contributions to policing infrastructure and policing provision;[bold] and
- vii. Contributions to GP provision. [italic]

Requested to attend examination?: Yes

Ref: B-03-16-SBA2

Representor: Historic England

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA2: East Gate (Strategic policy)

Paragraph: -

Site: SBA2: East Gate (Site Ref. 145)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: While not as sensitive as North Gate and South Gate, parts of East Gate are located within conservation areas, are archaeologically sensitive, or include buildings which contribute to the townscape. The site is also in close proximity to other heritage assets and development here has the potential to impact on key strategic views. We therefore welcome the adjustments to Policy SBA2 part H following consultation on the Full Draft Local Plan, which strengthen heritage considerations.

We also welcome the testing of potential site capacity, heights and massing as part of the Exeter Views, Density and Heights Study. We note that the stage 2 report retains scope for retrofit and upward extension. This is positive as while the current buildings in the area are of mixed quality and condition, they do include buildings of townscape merit where exploring the scope for retention and refurbishment should be a priority in accordance with Policy D1(e). It should be noted that we would not necessarily support all of the example heights/massings for East Gate (figure 6) shown in the Stage 2 Sites Report. Our position at planning application stage would be dependent on further assessment of views and heritage impacts associated with detailed proposals (including, for example, the long view of the Cathedral from Dunsford Road). However, we consider there to be adequate flexibility around building heights and densities having regard to the site allocation capacity in relation to the example layout.

Accordingly, and consistent with our comments elsewhere in this response, we request an adjustment to part H(i) to ensure an appropriate response to the evidence base.

Modifications: "H. Conservation and enhancement of the historic environment:

i. A layout and built form [underline] that seeks to conserve and enhance important strategic and local views and is [underline] informed by [~~strikethrough~~] the Exeter Views, Density and Heights Study and [~~strikethrough~~] archaeological and heritage assessment, evaluation and mitigation;"

Requested to attend examination?: -

Ref: C-07-16-SBA2

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA2: East Gate (Strategic policy)

Paragraph: -

Site: SBA2: East Gate (Site Ref. 145)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The final set of comments relate to the East Gate strategic mixed use brownfield site allocation (SBA2):

1. Firstly, the Client continues to support the site's allocation for mixed-use development, including residential use.
2. The Client also maintains strong support for point A of the allocation, which states that housing developments should be built to optimal densities.
3. As aforementioned, the Client notes that the Site's capacity has reduced to 609 homes, however the allocated area has also reduced to 6.1 hectares. As such, this has not resulted in a reduced recommended housing density. Consequently, the Client upholds their support, especially due to the Site's location in the city centre, its role as gateway entrance and the encouragement of optimal densities within the Site.
4. Following on from the above point, as the site contains a gateway location, suitable for high density development, the Client continues to argue that the policy text should specify that East Gate area is a suitable location for tall buildings where appropriate. Specifically, the Clarendon House site, located on the Western Way roundabout, provides an ideal location for a landmark building to mark the entrance to the city centre.
5. Thirdly the site allocation states that the site is suitable for a mix of housing types. However, the Client recommends that the allocation goes further to specify the types of housing supported. This includes PBSA as the student population should be afforded an equal standing to residents given their significant contribution to both the local and wider economy. The Client suggests the specific inclusion of PBSA in the site allocation for the following reasons:
 - East Gate is located in the city centre, with excellent access to public transport, shops and services. This is therefore a sustainable and suitably accessible location for PBSA development.
 - The site is also conveniently situated a short walking distance from St Luke's Campus and within walking distance or a short cycle/bus ride from Streatham Campus. This further supports the site's suitability in terms of location for PBSA development.
 - Following on from the comments in relation to Policy H8 above, PBSA development holds the ability to

make much needed contributions towards housing delivery targets.

- As stated under Policy H8, the student population at University of Exeter is growing and therefore demand for PBSA is invariably strong. Without the provision of new PBSA, supply will not be able to cater for the demand and housing will be converted to HMOs at an increasing rate. This will exacerbate pressure on the existing housing supply. Therefore, there is a clear need for PBSA.
- Local businesses, services and other facilities will greatly benefit from the support of increased student expenditure and part time employment as well as graduates that choose to stay in the city.
- PBSA development will be car free with the exception of disabled parking and therefore this type of development will be suitable for the city centre location of the site.
- Additionally, PBSA development often provides active ground floor uses such as retail, commercial and community facilities. These active frontages are vital for city centre locations such as East Gate, which further proves the suitability of PBSA development within the site.
- More specifically, the Clarendon House site, which falls within the East Gate allocation, should be noted as a site particularly suitable for PBSA development due to its location on the Western Way roundabout meaning it is unsuitable for other residential development such as build to rent or co-living given the balconies that would be required and the subsequent noise and air quality impacts.

6. The Client would also argue against the addition of 'A layout and built form informed by the Exeter Views, Density and Heights Study and archaeological and heritage assessment, evaluation and mitigation' to the Policy wording on the basis of the arguments made in the relevant section of the letter below that relates to the study in question.

Modifications: [bold] Recommendation: [bold] The wording of 'Strategic mixed use brownfield allocation: SBA2 - East Gate' should be amended to:

- a) Note the suitability of the site for a tall building due to its city centre gateway location and recommended high density development, particularly at Clarendon House.
- b) Specify that PBSA would be a land use supported within the site, particularly at Clarendon House.
- c) Remove the addition of the requirement to align with the Exeter Views, Density and Heights Study.

Requested to attend examination?: Yes

Ref: C-18-16-SBA2

Representor: Exeter City Council (Corporate Property)

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA2: East Gate (Strategic policy)

Paragraph: -

Site: SBA2: East Gate (Site Ref. 145)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: In accordance with regulations.

Site allocation at East Gate is considered justified (based on evidence) and effective (deliverable) as evidenced by the demolition and site clearance of the potential initial phase and the availability of City Council land for development.

Evidence of discussion with required bodies provided.

Modifications: -

Requested to attend examination?: Yes

Ref: C-25-16-SBA2

Representor: Morgan Real Estate

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA2: East Gate (Strategic policy)

Paragraph: -

Site: SBA2: East Gate (Site Ref. 145)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Morgan Real Estate strongly support the draft East Gate allocation, and welcome the recognition in the draft plan that the site can play an important role in providing regeneration on land within the heart of the city centre.

Indeed the site includes existing retail frontage on the high street, as well as land between the high street and the new leisure centre and bus station. The majority of the land within the East Gate draft allocation is known as 'City Point', referred to in the draft plan as a large regeneration scheme around the former bus station.

Morgan Real Estate agrees with the supporting text to draft Policy SBA2 which states that "East Gate provides a great opportunity to regenerate a tired area of the city into a high quality, low or no-car new neighbourhood that is well served by the wide range of services, employment and facilities offered by its central location".

However, on the basis of the aspirations of Morgan Real Estate for the site, it is considered that some changes are required to draft Policy SBA2.

Firstly, given the need to plan positively and, in our view, explore an increase in the housing requirement, the indicative number of homes within the East Gate allocation should be increased. If the Council is to explore further flexibility in housing delivery it will be important to maximise the use of city centre brownfield sites in order to provide a range of homes.

Similarly, in order to help accommodate an increase in the number of homes, Morgan Real Estate would welcome further strengthening in draft Policy SBA2 to the need to make efficient use of land by maximising heights and densities on the site. It would help, for example to include indicative ranges for densities in order to help guide future development proposals.

In terms of potential uses for the site, whilst it is noted that the draft policy requires approximately 609 new homes, there is no mention of purpose built student accommodation within the draft allocation. Given this is a city centre site where purpose built student accommodation is supported in principle through draft Policy H10, specific reference should be made within the policy to the potential to explore student accommodation as part of a mixed tenure development.

Purpose built student accommodation, particularly where part of mixed use schemes, can ensure the viability and deliverability of schemes in the city centre, and indeed can often 'unlock' key sites. Equally, student

accommodation can help to provide comprehensive redevelopment which results in mixed and balanced communities in the city centre.

For these reasons, changes to the draft policy text are suggested below. These changes seek to include purpose built student accommodation, as well as other residential options including co-living and BTR.

In addition to the potential for residential, there is also no reference to the potential to deliver a hotel, and this has also been included in our suggested changes below.

Furthermore, as set out in the response to draft Policy H7, Morgan Real Estate object to the inclusion “Serviced plots for custom and self-build homes in accordance with Policy H7” within draft Policy SBA2.

As already set out, there are sites within the city centre, such as the East Gate regeneration area, that are simply unsuitable for self build housing. Indeed, development in the city centre would be accommodating the highest density developments given the need to maximise the use of finite brownfield land in the most sustainable location. Such sites would therefore deliver flats / apartments. It is considered entirely impractical to consider serviced plots for self build housing on city centre sites such as this.

Modifications: Morgan Real Estate’s position is therefore that reference to serviced plots for self or custom build should be removed from the draft policy, as this is captured in the suggested amendments below.

Strategic mixed use brownfield allocation: SBA2 - East Gate (Strategic policy)

A site of 6.1 hectares at East Gate is identified for a mixed use development delivering approximately ~~609~~ 700 homes, employment, education/training space and an impressive and memorable city centre gateway. The development must support the achievement of net zero and accord with the Liveable Exeter Principles to deliver a compact and well connected neighbourhood, incorporating the highest standards of design.

The following will be required:

A. A housing mix informed by the most up to date Exeter Local Housing Needs Assessment and built to optimal densities in accordance with Policy H15, which meets a wide range of housing needs including:

i. Affordable homes in accordance with Policies H4, H5 or H6 as relevant;

~~ii. Serviced plots for custom and self-build homes in accordance with Policy H7;~~

ii. a mix of homes with the potential to explore market residential, purpose built student accommodation, co-living or Build to rent; and

iii. Accessible homes in accordance with Policy H14.

B. Potential for a mix of employment provision including office space, work hubs, collaborative workspace and live-work schemes.

C. Social, community and cultural infrastructure including:

- i. Public realm that provides space for community and cultural activities;
- ii. Potential for retail or commercial units, with a focus on food & beverage and a small food store;
- iii. Potential space for education/training provision/an innovation hub;
- iv. Potential contributions to early years, primary, secondary and special educational needs provision; and
- v. Potential contributions to GP provision.
- vi. Potential for a budget hotel

D. Transport infrastructure to deliver a low-car development:

- i. A layout in accordance with active design principles comprising a dense network of active travel routes which link to the existing routes in the area including via improved crossings of Western Way, Paris Street, Heavitree Road and Cheeke Street;
- ii. A layout and design that takes account of the needs of people with disabilities;
- iii. A mobility hub to provide for public transport, active travel and shared mobility;
- iv. Contributions to off-site active travel routes including priority schemes in the Exeter Local Cycling And Walking Infrastructure Plan;
- v. Provision of infrastructure for, and contributions to, public transport;
- vi. Electric vehicle charging points throughout the site; and
- vii. Access arrangements for service and emergency vehicles.

E. Enhancement of the natural environment and green infrastructure:

- i. Green infrastructure provision in accordance with the Green Infrastructure Strategy including contributions to off-site provision;
- ii. Mitigation contributions to ensure no adverse effect on the European Sites, in accordance with requirements set out in the South East Devon Joint Habitat Mitigation Strategy; and
- iii. Biodiversity enhancements.

F. An energy strategy that minimises carbon emissions (both operational and embodied), incorporates renewable and low carbon energy generation and helps to deliver, and connect to, local energy networks (if feasible) .

G. Appropriate flood risk mitigation:

i. A layout and design informed by a detailed flood risk assessment which addresses flood risk from all sources; and

ii. Sustainable Urban Drainage to mitigate against flood risk.

H. Conservation and enhancement of the historic environment:

i. A layout and built form informed by the Exeter Views, Density and Heights Study and archaeological and heritage assessment, evaluation and mitigation; and

I. A built form that enhances the character and appearance of the Southernhay and The Friars and the Lower Summerlands Conservation Areas and protects the settings of all Listed Buildings including the Cathedral (grade I), Sidwell Street Methodist Church and 13-15 Dix's Field (grade II*) and those along Heavitree Road, others at Dix's Field and Southernhay Congregational Church (grade II). Investigation and appropriate mitigation and remediation of any contaminated land, to ensure that the land is, or can be made suitable for, the proposed use.

Requested to attend examination?: Yes

Ref: C-38-16-SBA2

Representor: The Guinness Partnership Ltd

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA2: East Gate (Strategic policy)

Paragraph: -

Site: SBA2: East Gate (Site Ref. 145)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The Guinness Partnership supports the aspirations set out in the proposed East Gate mixed use allocation, in particular the Liveable Exeter Principles to deliver a compact and well-connected neighbourhood, incorporating the highest standards of design.

In support of the Regulation 19 Consultation, the Council has prepared a Views, Density and Heights Study – Stage 2 Sites report, December 2014 (the Heights Study). In respect of the Pyramids Site, as shown below, the Heights Study sets a range of 3 to 8 storeys in height.

[screenshot from the Views, Density and Heights Study – Stage 2 Sites report]

We do not wish to comment on the specific findings of the reported storey heights, however we wish to ensure that building heights are not be fixed at this stage. It may transpire through further, more detailed site assessment, that taller buildings would be appropriate in heritage or any other terms, thus allowing for more efficient use of land.

For example, the Heights Study refers to key constraints in relation to the Southerhay Conservation Area. There is, however, no interrelationship with the site and the Southerhay Conservation due to the presence of the modern Central Living building on the junction of Western Way and Paris Street. Equally, there is no impact upon the Southernhay URC and Sidwell Methodist Chapel, which is mentioned as a constraint. The Heights Study acknowledges that there are no view corridors of the Cathedral. Given the above, the Pyramids site is relatively unconstrained in terms of heritage impact and as such, storey heights should be flexible and determined through appropriate massing assessment taking into account urban design, heritage and other factors.

As will be a common theme in these representations, it would assist developers and planning officer's determining planning applications if the Exeter Plan contained a tall buildings policy, which makes clear the circumstances where such buildings would be acceptable. All other cities in the South West have such a policy, except Exeter.

Modifications: We do not wish to comment on the specific findings of the reported storey heights, however we wish to ensure that building heights are not be fixed at this stage. [...]

One matter that we wish to reiterate from our Regulation 18 consultation comments, is that the East Gate allocation refers to a number of mixed uses, however it should be noted that The Guinness Partnership intends to deliver an affordable housing-led scheme on the parts of its ownership that are to be developed. Affordable

Housing is a significant benefit to the community and we would not like to see insistence that certain proposed uses within the draft allocation are imposed upon The Guinness Partnership. For example, it should not be insisted upon that The Guinness Partnership provide the employment or live-work allocation requirements, when it is an affordable housing provider. There should therefore be appropriate flexibility within the policy to allow for this provision.

Requested to attend examination?: -

Ref: C-41-16-SBA2

Representor: University of Exeter

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA2: East Gate (Strategic policy)

Paragraph: -

Site: SBA2: East Gate (Site Ref. 145)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University supports the allocation of this site for mixed use development including 609 new homes and supports the redevelopment of all parts of the East Gate allocation for the mixed uses proposed. In particular, the University welcomes the inclusion of proposals for the Innovation Hub in this area. The Innovation Hub is a strategic priority for the University and is an integral part of the University's commitment to supporting regional businesses and organisations with their climate and environmental action plans towards achieving net zero carbon and beyond. The University looks forward to working with the City Council and other partners towards the success of this project.

Modifications: -

Requested to attend examination?: No

Ref: D-06-16-SBA2a

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA2: East Gate (Strategic policy)

Paragraph: -

Site: SBA2: East Gate (Site Ref. 145)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The talk of 'an impressive and memorable city centre gateway' as a feature that identifies the East Gate redevelopment is not suitable to the layout of the boundaries of this area, as it is too diverse and spans too many different potential points of access, that a talk of a single gateway does not make much sense.

ECS records that the gateway argument has been brought into play for the development at the bottom end of Heavitree Road. This does not link to any architectural feature of the city history, as one of city gates was towards the north-western end of the area. For the traffic coming down the hill on Heavitree Road a potential gateway would be marked on the opposite side of the existing roundabout, but that area is fully built-up.

Modifications: ECS suggests to delete: 'and an impressive and memorable city centre gateway.'

Requested to attend examination?: No

Ref: D-06-16-SBA2b

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA2: East Gate (Strategic policy)

Paragraph: -

Site: SBA2: East Gate (Site Ref. 145)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Policies SBA1, SBA2, SBA3, SBA4, and SBA5 all list in policy Aii the need to provide serviced self-build plots, but as these sites are likely to be multi-use sites with high rise structures is this at all likely?

These are complex brownfield sites where individual plots are unlikely.

6.40 says that the plot could be an area of land or a customisable unit, but we have concerns that a customisable apartment shell, whilst offering an opportunity for some, is not in the spirit self-building because the fabric of the building, windows and drainage are likely to be in fixed positions, offering little scope for designing a home. Furthermore, the owner will be subject to service charges and possibly leasehold charges.

Modifications: Remove Aii or reword requiring the strategic sites to fund the provision of off-site self-build plots at a ratio of perhaps 1% of proposed homes.

Requested to attend examination?: No

Ref: B-03-16-SBA3

Representor: Historic England

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA3: Red Cow (Strategic policy)

Paragraph: -

Site: SBA3: Red Cow (Site Ref. 146)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: We acknowledge that priority should be given to high density development in sustainable locations including close to public transport interchanges. We also welcome the testing of potential site capacity, heights and massing as part of the Exeter Views, Density and Heights Study. As with other sites, appropriate massings would require further testing at planning application stage.

While we have no in principle objection to brownfield regeneration at Red Cow, we do not consider that the policy criteria for heritage at SBA3 part H (which have not changed following the Full Draft Plan consultation) respond adequately to the new evidence base. This includes the Local Plan HIA and the Skyline and Views Report. This issue could be addressed by amending Part H of Policy SBA3.

Modifications: "H. Conservation and enhancement of the historic environment:

- i. A layout and built form that seeks to conserve and enhance important strategic and local views and is informed by archaeological and heritage assessment, evaluation and mitigation;
- ii. A built form that enhances the character and appearance of St David's Conservation Area, conserves and enhances listed buildings and their settings and retains sight lines of locally listed St David's station."

Requested to attend examination?: -

Ref: B-08-16-SBA3

Representor: Network Rail

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA3: Red Cow (Strategic policy)

Paragraph: -

Site: SBA3: Red Cow (Site Ref. 146)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Network Rail support the allocation of NR land for development and have been working in partnership with Blocwork LLP to bring forward a residential mixed use scheme on part of the site. The Brewery on the land within our ownership is being sold and therefore this part of the site will not be available as part of the allocation for the local plan.

The northern end of the allocated is directly opposite an active freight yard and Strategic Freight Site which it is anticipated will see use intensified to meet ORR freight growth and decarbonisation targets.

Modifications: [...] In light of this, any development here, particularly if residential, should mitigate for future noise and vibration from the operational railway.

Any future development should also give consideration to the operation and use of the level crossing and avoiding any increase in usage, including the potential for alternative means of crossing the railway (e.g. a footbridge).

Requested to attend examination?: -

Ref: C-04-16-SBA3

Representor: Blocwork

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA3: Red Cow (Strategic policy)

Paragraph: -

Site: SBA3: Red Cow (Site Ref. 146)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Background

Blocwork's land interests is outlined on the attached site plan.

The land is already identified within the adopted Local Plan (First Review 1995-2011) as part of site KP5 allocated for a mix of offices, housing and a local centre. The aspiration for redevelopment has continued to be brought forward through first the Liveable Exeter Vision (Spring 2019) and more recently as part of the Outline Draft Plan Consultation (Regulation 18) in September 2022 and Full Draft Plan Consultation (Regulation 18) in October 2023.

The emerging Red Cow allocation is identified to deliver approximately 440 dwellings over the next 20 years alongside new employment floor space, retail and commercial units, public realm and station facilities.

Blocwork are committed to enhancing the existing Exeter St Davids station area and redeveloping the surrounding land within its control to deliver a residential led mixed use development in a highly sustainable city centre location. The vision is to continue to evolve Exeter St Davids as a vibrant multi-use quarter, to meet current and future needs of Exeter and the surrounding area. Blocwork will seek to reinvigorate its assets by repurposing and enhancing its estate and maximising development opportunities. Blocworks's placemaking ambition is to enhance the public realm to address the existing vehicle dominated station forecourt which is subject to congestion. The area would become a high-quality neighbourhood with a diversified land use offering including new homes, employment floor space and commercial offering. The vision also includes delivering enhancements to station facilities such as improved parking arrangements, cycle storage and bus facilities.

Blocwork would welcome the opportunity to take this work forward in collaboration with the Council and other key stakeholders.

Blocworks's representation to the draft Local Plan are made in this context and are set out below in the following sections.

[...]

Policy SBA3 – Strategic Mixed Use Brownfield Allocation – Red Cow

Draft Policy SBA3 provides the supporting policy requirements for the strategic mixed use brownfield allocation at Red Cow. Blocworks's land interest relates to part of the land identified under this allocation.

Blocwork support the principle of the proposed development allocation at Red Cow on land within its control and its regeneration potential. To ensure the site's successful delivery, greater clarity is required regarding the policy requirements and expectations for contributions. A more defined approach for this policy would help support viability and ensure the allocation remains deliverable. As such, Blocwork require certain policy changes as outlined below.

The introduction for the Red Cow allocation reads as follows:

"Red Cow is identified for a residential led mixed use development delivering approximately 442 homes, retaining existing levels of employment floorspace, and delivering an impressive and memorable city gateway that creates a sense of arrival into Exeter as well as meeting St David's railway station's operational needs. The development must support the achievement of net zero and accord with the Liveable Exeter Principles, incorporating the highest standards of design and delivering a place people will visit, stay, work and live."

The requirement to "retaining existing levels of employment floor space" should be clarified further within the policy. The requirement is not sufficiently clear as to how much new workspace would be expected in any development, for example what uses constitutes employment floor space and when is the measure of existing levels taken from.

The requirement to retaining existing employment floorspace levels should be reconsidered. Instead, the policy should make reference to the types of commercial uses which are to be supported in this location with the precise quantum, type and mix informed by market conditions at the time which the allocation is brought forward. This would serve to create a flexible planning policy framework that supports the successful regeneration of the area and is capable of responding to future change.

The language used within the policy may lead to uncertainty in policy interpretation with words such as "Impressive" and "memorable" being subjective. To ensure more clarity and consistency policies should be more precisely worded in line with The NPPF (16), so it is evident how a decision maker should react to development proposals. Plans and policies are required to be consistent with national policy in order to be found sound having regard to paragraph 36 of the NPPF.

Requirement A (ii) seeks provision of "serviced plots for custom and self-build homes". However, the suitability of such homes on a strategic brownfield regeneration site is uncertain. It is vital to make the best use of brownfield land in the city by optimising density to support significant increase in new homes. Given the nature of this allocation, it is questioned whether self-build and custom plots would be practical and or attractive to potential self-build /custom builders. As such, Blocwork recommends reconsidering this element of the allocation to ensure the most effective use of land.

Furthermore, the practicalities of delivering self-build homes on a major urban regeneration project from a construction perspective may present challenges. Smaller sites are much better placed to meet the demand for self-build development, which is likely to be for bespoke units in rural or semi-rural locations, rather than serviced plots within a large-scale regeneration development.

Exeter St David's is a strategic transport hub serving not only the local area but also the wider hinterland. Development of the Red Cow allocation will need to meet St David's railway station's operational needs including the provision of car parking as referenced in the supporting policy text at paragraph 16.22.

At present a large amount of space is given over to surface car parking which results in an unattractive arrival space plus an inefficient use of land in a highly sustainable and accessible location. An opportunity therefore presents itself to deliver a new multi-storey car park (MSCP) as part of the redevelopment of Red Cow to address these issues. Delivery of a MSCP is necessary in order to free up land for redevelopment and allowing the most potential for the rest of the site to deliver high quality placemaking and in accommodating new built form including new homes.

Criteria D outlines the proposed transport infrastructure requirement for Red Cow. This should be amended to include a specific requirement as follows “the development to meet the railway station’s operational needs including the provision of car parking in the form of new multi-storey car park”.

The Red Cow allocation and the other strategic mixed use brownfield allocations are closely aligned with the need for infrastructure, services and new uses in order to unlock the potential and to realise the density and optimised delivery sought. Where this is the case, the Plan will need to carefully balance priorities to ensure development is not overburdened with competing demands. It is therefore essential for planning policies to proactively facilitate development and remove, rather than add to, the barriers for their timely delivery.

Paragraph 35 of the NPPF sets out that “plans should set out the contributions expected from development” including the levels of such obligations and that such policies should not undermine the deliverability of the Plan.

The Red Cow allocation includes a number of opened ended policy requirements such as C (iii), (iv), D (iii), (iv), E(i) and G (ii) which seeks delivery of unspecified infrastructure and contributions which could serve to add to the burdens that are already faced in bringing forward development on complex brownfield sites. Providing more defined expectations would help ensure that development remains viable and deliverable, enabling the provision of much needed homes. As drafted Blocwork considers these aspects of Policy to be unsound and recommends refining these to align with paragraph 36 of the NPPF, ensuring they are clear and consistent with national policy.

Blocwork supports the Council’s intent that new development includes infrastructure provision needed to mitigate its impacts. However, each new development which comes forward needs to be assessed individually, having regard to any cumulative impacts, to determine the appropriate mitigation requirements in light of the tests of Regulation 122.

Policies should be structured to support rather than hinder development ensuring requirements both individually or cumulatively, do not create barriers to delivery and ensure requests for obligations or contributions are justified and proportionate at the planning application stage. The issues of deliverability and viability are key, given the acute housing and development pressures in Exeter and the urgent need to address these on previously developed land. Such sites face complex and unique challenges when being redeveloped.

As such, it is our view that the policy wording would benefit from modifications to ensure that it is streamlined and fully focused on delivering its growth objectives and does not hold back development. The policy wording should be amended to remove the positive presumption that new development will include unspecified infrastructure and contributions and should instead clearly identify what obligations are expected from development and at what levels based on appropriate evidence. The policy should then set out how such requirements will be prioritised including in respect of affordable housing requirements.

Amending the policy in such a manner would allow for the relevant package of mitigation measures to be determined on a case-by-case basis having regard to the tests of Regulation 122 and ensure the policy will be justified and effective as required by paragraph 36 of the NPPF.

Requirement F requires “an energy strategy that minimise carbon emissions (both operational and embodied incorporates renewable and low carbon energy generation and helps to deliver, and connect to, local energy networks”.

Blocwork support the move toward decarbonisation however it should be noted that energy networks present challenges in terms of delivery, resilience and development viability. Requirement F should be amended to state [proposed additional text indicated in bold] “an energy strategy that minimise carbon emissions (both operational and embodied) incorporates renewable and low carbon energy generation and helps to deliver, and connect to, local energy networks [bold] where feasible and viable [bold]”. The proposed policy wording amendments would align with draft policy CC3 which includes caveats for when connecting to a local energy network may not be appropriate or possible.

Requirement G (ii) requires “a built form that enhances the character and appearance of St David’s Conservation Area and retains sight lines of locally listed St David’s station”.

Requirement G (ii) is not clear in terms of what sight lines are required to be retained. Guidance on important views or sight lines is requested along with the evidence which supports this which should be made available for consultation.

In summary, Blocwork are supportive of the proposed Red Cow allocation and the ambition set for the site within the Plan to deliver homes, commercial floorspace and to support the station’s operational requirements. However, to ensure the successful regeneration of the site it is important that policy requirements are clear, well defined and balanced. The cumulative impact of broad or unspecified obligations and requirements could pose challenges in terms of design feasibility and commercial viability. Refining these requirements will help unlock the sites full potential and ensure that development remains deliverable and sustainable.

Modifications: [...] The requirement to “retaining existing levels of employment floor space” should be clarified further within the policy. The requirement is not sufficiently clear as to how much new workspace would be expected in any development, for example what uses constitutes employment floor space and when is the measure of existing levels taken from.

The requirement to retaining existing employment floorspace levels should be reconsidered. Instead, the policy should make reference to the types of commercial uses which are to be supported in this location with the precise quantum, type and mix informed by market conditions at the time which the allocation is brought forward. This would serve to create a flexible planning policy framework that supports the successful regeneration of the area and is capable of responding to future change.

The language used within the policy may lead to uncertainty in policy interpretation with words such as “Impressive” and “memorable” being subjective. To ensure more clarity and consistency policies should be more precisely worded in line with The NPPF (16), so it is evident how a decision maker should react to development proposals. Plans and policies are required to be consistent with national policy in order to be found sound having regard to paragraph 36 of the NPPF.

Requirement A (ii) seeks provision of “serviced plots for custom and self-build homes”. However, the suitability of such homes on a strategic brownfield regeneration site is uncertain. It is vital to make the best use of brownfield land in the city by optimising density to support significant increase in new homes. Given the nature of this allocation, it is questioned whether self-build and custom plots would be practical and or attractive to potential self-build /custom builders. As such, Blocwork recommends reconsidering this element of the allocation to ensure

the most effective use of land.

Furthermore, the practicalities of delivering self-build homes on a major urban regeneration project from a construction perspective may present challenges. Smaller sites are much better placed to meet the demand for self-build development, which is likely to be for bespoke units in rural or semi-rural locations, rather than serviced plots within a large-scale regeneration development.

[...] Criteria D outlines the proposed transport infrastructure requirement for Red Cow. This should be amended to include a specific requirement as follows [bold] “the development to meet the railway station’s operational needs including the provision of car parking in the form of new multi-storey car park”. [bold]

[...] The Red Cow allocation includes a number of opened ended policy requirement such as C (iii), (iv), D (iii), (iv), E(i) and G (ii) which seeks delivery of unspecified infrastructure and contributions which could serve to add to the burdens that are already faced in bringing forward development on complex brownfield sites. Providing more defined expectations would help ensure that development remains viable and deliverable, enabling the provision of much needed homes. As drafted Blocwork consider these aspects of Policy to be unsound and recommends refining these to align with paragraph 36 of the NPPF, ensuring they are clear and consistent with national policy.

Blocwork support the Council’s intent that new development includes infrastructure provision needed to mitigate its impacts. However, each new development which comes forward needs to be assessed individually, having regard to any cumulative impacts, to determine the appropriate mitigation requirements in light of the tests of Regulation 122.

[...] As such, it is our view that the policy wording would benefit from modifications to ensure that it is streamlined and fully focused on delivering its growth objectives and does not hold back development. The policy wording should be amended to remove the positive presumption that new development will include unspecified infrastructure and contributions and should instead clearly identify what obligations are excepted from development and at what levels based on appropriate evidence. The policy should then set out how such requirements will be prioritised including in respect of affordable housing requirements.

Amending the policy in such a manner would allow for the relevant package of mitigation measures to be determined on a case-by-case basis having regard to the tests of Regulation 122 and ensure the policy will be justified and effective as required by paragraph 36 of the NPPF.

[...] Blocwork support the move toward decarbonisation however it should be noted that energy networks present challenges in terms of delivery, resilience and development viability. Requirement F should be amended to state [proposed additional text indicated in bold] “an energy strategy that minimise carbon emissions (both operational and embodied) incorporates renewable and low carbon energy generation and helps to deliver, and connect to, local energy networks [bold] where feasible and viable [bold]”. The proposed policy wording amendments would align with draft policy CC3 which includes caveats for when connecting to a local energy network may not be appropriate or possible.

[...] Requirement G (ii) is not clear in terms of what sight lines are required to be retained. Guidance on important views or sight lines is requested along with the evidence which supports this which should be made available for consultation.

Requested to attend examination?: Yes

Ref: C-41-16-SBA3

Representor: University of Exeter

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA3: Red Cow (Strategic policy)

Paragraph: -

Site: SBA3: Red Cow (Site Ref. 146)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: The University supports the allocation of this site for mixed use development including 442 new homes.

The site already includes some student accommodation owned by the University. In considering development/redevelopment proposals in the area, it would be suitable to include an element of additional purpose-built student accommodation in accordance with its sustainable location close to the Streatham campus. The agreed University SPG (2007) identifies the St David's area as a suitable location for this use.

Student accommodation should therefore be specifically mentioned in the reference to the housing mix in the description of what the site might be like in the future.

Modifications: -

Requested to attend examination?: No

Ref: D-06-16-SBA3a

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA3: Red Cow (Strategic policy)

Paragraph: -

Site: SBA3: Red Cow (Site Ref. 146)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The eastern boundary of the Red Cow redevelopment site excludes Cowley Bridge Road (different from Bonhay Road which is included) and the plan for this reason does not address the current highway congestion on this road and the Station Road railway crossing. Heavy commuters' traffic from the Crediton and Tiverton directions and traffic queuing for the level crossing towards Exwick create a heavy congestion zone which needs to be addressed by any redevelopment in the area.

ECS would like to ask for clarification: In Dii) 'routes along the River Exe' do these mean along the riverside or on the highways either side of the Exe?

Modifications: ECS suggests to include Cowley Bridge Road into the Red Cow mixed use brownfield site and to address the congestion issue under 'D. Transport infrastructure'.

Requested to attend examination?: Yes

Ref: D-06-16-SBA3b

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA3: Red Cow (Strategic policy)

Paragraph: -

Site: SBA3: Red Cow (Site Ref. 146)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Policies SBA1, SBA2, SBA3, SBA4, and SBA5 all list in policy Aii the need to provide serviced self-build plots, but as these sites are likely to be multi-use sites with high rise structures is this at all likely?

These are complex brownfield sites where individual plots are unlikely.

6.40 says that the plot could be an area of land or a customisable unit, but we have concerns that a customisable apartment shell, whilst offering an opportunity for some, is not in the spirit self-building because the fabric of the building, windows and drainage are likely to be in fixed positions, offering little scope for designing a home. Furthermore, the owner will be subject to service charges and possibly leasehold charges.

Modifications: Remove Aii or reword requiring the strategic sites to fund the provision of off-site self-build plots at a ratio of perhaps 1% of proposed homes.

Requested to attend examination?: Yes

Ref: B-03-16-SBA4

Representor: Historic England

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA4: Exe Bridges Retail Park (Strategic policy)

Paragraph: -

Site: SBA4: Exe Bridges Retail Park (Site Ref. 142)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: We acknowledge that priority should be given to high density development in sustainable locations including

close to public transport interchanges. We welcome the introduction of a specific site allocation policy for Exe Bridges Retail Park, including part I to secure conservation and enhancement of the historic environment.

We also welcome the testing of site capacity within the Exeter Views, Density and Heights Study. It should be noted that we would not necessarily support all of the example heights/massings contained in this report. For example, we have concerns that monolithic blocks and buildings of potentially 8 storeys may impact adversely on the relationship between the historic city and its landscape setting (see for example View CO4 from Bartholomew Terrace). However, we consider there to be reasonable flexibility within the range of heights across the site shown in the stage 2 report to allow for impacts to be reduced and key views better respected.

Consistent with our comments elsewhere in this response we request an adjustment to Part I(i) to ensure an appropriate response to the evidence base.

Modifications: "I. Conservation and enhancement of the historic environment:

i. A layout and built form [underline] that seeks to conserve and enhance important strategic and local views and is [underline] informed by [~~strikethrough~~] the Exeter Views, Density and Heights Study and [~~strikethrough~~] archaeological and heritage assessment, evaluation and mitigation;"

Requested to attend examination?: -

Ref: C-30-16-SBA4

Representor: NT Properties Nominees 1A Ltd and NT Nominees 1B Ltd

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA4: Exe Bridges Retail Park (Strategic policy)

Paragraph: -

Site: SBA4: Exe Bridges Retail Park (Site Ref. 142)

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The emerging Local Plan (under Policy H1) seeks to deliver 13,975 homes over the plan period, against an identified need of 12,840 homes. The Local Plan therefore allows for a 'healthy headroom' with a potential surplus of 1,135 homes over the plan period.

To meet this housing target, Policy H1 identifies the sources of housing delivery. This includes approximately 5,369 homes to be delivered through a number of site allocations.

Draft Policy H2 sets out the housing allocations and windfalls for the provision of new homes and associated infrastructure. This includes five strategic mixed-use brownfield sites, where most of the development is intended to be focused. EBRP is proposed to be allocated as one of these strategic mixed-use brownfield sites, delivering approximately 201 homes over the plan period (i.e. 2021 to 2041).

Full details of how these strategic mixed use brownfield sites should be developed are provided in Section 16 ('Site allocations') of the draft Local Plan. The proposed allocation for EBRP is referred to as SBA4, which states^[1] that this site *"provides an opportunity to redevelop the area for housing whilst **retaining significant retail provision** in a mixed use proposal"*. (our emphasis)

The draft allocation goes on to acknowledge^[2] that EBRP is currently subject to various leases and that development is unlikely to come forward until after 2030 and that a key consideration^[3] will be:

"...the need to maintain the retail function of the site on the ground floor (the site is within St Thomas district centre) whilst providing significant, high quality residential development above. This will help to manage the impacts of flood risk which are a vital issue for the site, alongside future access and egress requirements."

The proposed site allocation recognises the District Centre designation of EBRP and the importance of maintaining its retail function. Such an approach is supported by LGIM. However, the proposed allocation also sets a number of criteria that 'will' be required as part of any future development for the site. These include, inter alia, the following:

- Serviced plots for custom and self-build homes (Criterion A.ii).
- New employment provision in the form of a collaborative workspace (Criterion C).
- Public realm that provides space for community and cultural activities (Criterion D.i).
- A mobility hub to provide for public transport, active travel and shared mobility (Criterion E.iii)
- Green infrastructure provision, including contributions to off-site provision (Criterion F.i)

- Help to deliver, and connect to, a local energy network (Criterion G).

The provision of such detailed requirements for the site, which under the proposed wording will have to be delivered as part of a future scheme, represents a very prescriptive approach to potential future development that will not come forward until the latter end of the plan period – as acknowledged by ECC. Such a prescriptive approach allows for very limited flexibility and fails to fully acknowledge the site-specific characteristics of EBRP – an established retail destination within a defined district centre where there is a recognised need to retain “significant retail provision”[4].

LGIM is open to the potential for redevelopment of the Site in the medium to long term. However, as currently worded the current approach, which imposes to set a number of stringent development requirements that ‘will’ need to be required, [bold] cannot be supported [bold].

Furthermore, at this stage, given the active use of EBRP, which is fully let with long leasehold interests, LGIM is not able to fully commit to its future redevelopment to deliver mixed-use development, including housing. LGIM want to stress is importance of the draft policy wording in recognising that the priority is to maintain and enhance the District Centre, rather than delivering new homes. Ongoing asset management initiatives should not be undermined by a wider aspiration to deliver “significant, high quality residential development above”, and the policy should be worded accordingly.

Within this context we strongly believe that the proposed approach, as set out in the emerging local plan, needs to be revised to be more flexible in respect of the future use and less prescriptive in its approach to future proposals at EBRP. EBRP differs from all the other proposed strategic mixed use brownfield allocations in that it is the only designated town centre[5] site that is solely in active town centre use. This provides an important distinction between the five strategic mixed-use brownfield allocations, and this point should be reflected in the policy approach. Indeed, as recognised by ECC including elsewhere in the emerging Local Plan, the continuation of retailing at EBRP is both supported and recognised as being important in meeting residents’ shopping needs.

We propose the following revised wording to the proposed allocation. Text to be deleted is struck through and new text is bold and underlined.

“A site of 1.8 hectares at Exe Bridges Retail Park is identified for a mixed use development [bold and underline] with the potential to [bold and underline] deliver[~~strikethrough~~ing[~~strikethrough~~] approximately 201 homes, retail and an attractive public realm [bold and underline] in the latter stages of the Plan period [bold and underline]. The development must support the achievement of net zero and accord with the Liveable Exeter Principles to deliver a compact and well connected neighbourhood, incorporating the highest standards of design.

[bold and underline] Regard should be given to [bold and underline] the following [strikethrough] will be required [strikethrough] [bold and underline] as part of any future redevelopment opportunity that may come forward on the Site: [bold and underline]

...”

This revised approach allows for flexibility should future redevelopment proposals come forward at EBRP and better reflects the characteristics of this site.

In addition, we believe that additional text should be provided within the draft policy to ensure that potential future long-term redevelopment of EBRP does not impact on the site’s existing and future retail use. In this respect, we suggest that the following additional text should be included under the proposed allocation of EBRP:

[italic] “The potential for future redevelopment of EBRP for mixed use development should not impact on the site’s continued retail function, or the potential for that retail function to be enhanced in the short, medium or long term. The longer term redevelopment potential of the site should not therefore prejudice the continued operation of the site as a designated District Centre.” [italic]

Such an approach will maintain the important retail function of EBRP as forming part of the defined district centre, as recognised by ECC. It is also significant that the delivery of housing at EBRP is not critical in ensuring that the housing needs in the City is met given the Local Plan identifies ‘healthy headroom’. The flexibility proposed by LGIM does not therefore undermine the Council’s housing delivery plans, rather it gives primacy to the policy objective[6] of protecting and enhancing the viability and viability of EBRP as a town centre destination.

[Footnotes]

[1] Paragraph 16.25

[2] Paragraph 16.26

[3] Paragraph 16.27

[4] Para. 16.25

[5] As defined by the NPPF (2024)

[6] As set out in draft Policy RFC1

Modifications: We propose the following revised wording to the proposed allocation. Text to be deleted is struck through and new text is bold and underlined.

“A site of 1.8 hectares at Exe Bridges Retail Park is identified for a mixed use development [bold and underline] with the potential to [bold and underline] deliver[~~strikethrough~~ing[~~strikethrough~~] approximately 201 homes, retail and an attractive public realm [bold and underline] in the latter stages of the Plan period [bold and underline]. The development must support the achievement of net zero and accord with the Liveable Exeter Principles to deliver a compact and well connected neighbourhood, incorporating the highest standards of design.

[bold and underline] Regard should be given to [bold and underline] the following [strikethrough] will be required [strikethrough] [bold and underline] as part of any future redevelopment opportunity that may come forward on the Site: [bold and underline]

...”

This revised approach allows for flexibility should future redevelopment proposals come forward at EBRP and better reflects the characteristics of this site.

In addition, we believe that additional text should be provided within the draft policy to ensure that potential future long-term redevelopment of EBRP does not impact on the site’s existing and future retail use. In this respect, we suggest that the following additional text should be included under the proposed allocation of EBRP:

[italic] “The potential for future redevelopment of EBRP for mixed use development should not impact on the site’s continued retail function, or the potential for that retail function to be enhanced in the short, medium or long term. The longer term redevelopment potential of the site should not therefore prejudice the continued operation of the site as a designated District Centre.” [italic]

Requested to attend examination?: -

Ref: D-06-16-SBA4a

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA4: Exe Bridges Retail Park (Strategic policy)

Paragraph: -

Site: SBA4: Exe Bridges Retail Park (Site Ref. 142)

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: -

Comments: Strategic mixed use brownfield allocation: SBA4 - Exe Bridges Retail Park (Strategic policy): [Italic] B. Retail or commercial units with active ground floors accommodating shops and services. [italic] Existing local shopping facilities need to be retained to serve existing population as well as the growing community with the additional new homes. For these reasons there should be no net loss of local shopping amenity space.

Modifications: B. No net loss of existing local shopping amenity space and ensuring that all new retail or commercial units provide active ground floors accommodating shops and services.

Requested to attend examination?: No

Ref: D-06-16-SBA4b

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA4: Exe Bridges Retail Park (Strategic policy)

Paragraph: -

Site: SBA4: Exe Bridges Retail Park (Site Ref. 142)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Policies SBA1, SBA2, SBA3, SBA4, and SBA5 all list in policy Aii the need to provide serviced self-build plots, but as these sites are likely to be multi-use sites with high rise structures is this at all likely?

These are complex brownfield sites where individual plots are unlikely.

6.40 says that the plot could be an area of land or a customisable unit, but we have concerns that a customisable apartment shell, whilst offering an opportunity for some, is not in the spirit self-building because the fabric of the building, windows and drainage are likely to be in fixed positions, offering little scope for designing a home. Furthermore, the owner will be subject to service charges and possibly leasehold charges.

Modifications: Remove Aii or reword requiring the strategic sites to fund the provision of off-site self-build plots at a ratio of perhaps 1% of proposed homes.

Requested to attend examination?: -

Ref: B-03-16-SBA5

Representor: Historic England

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA5: South Gate (Strategic policy)

Paragraph: -

Site: SBA5: South Gate (Site Ref. 46)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Historic England recognises the considerable opportunity to enhance the South Gate area through brownfield regeneration and highway realignment. This is an area of high historic significance and sensitivity. We therefore welcome the adjustments to Policy SCA5 part H and the supporting text to better reflect this.

There is potential for development at South Gate to have adverse impacts on highly significant views of the Cathedral and city skyline and we therefore welcome the more detailed testing of potential heights and massing within the Exeter Views, Density and Heights Study. This has resulted in a reduction in the capacity of the proposed site allocation to 81 homes and we consider that there is sufficient evidence to demonstrate that this is achievable without undue impacts on the historic environment.

However, as at North Gate there is much to be gained by reinstating a finer grain of development at South Gate, with greater permeability, including streets and spaces of a more human scale that respond to the historic context. The Stage 2 report recommends that this opportunity is maximised, but unfortunately does not reflect this in the example massings. It may be possible to achieve the stated capacity on the basis of low to mid rise buildings, in line with the 'urban neighbourhood' typology illustrated on p14 of the National Model Design Code- [Embedded link:
https://assets.publishing.service.gov.uk/media/611152f98fa8f506ca458925/NMDC_Part_1_The_Coding_Process.pdf]

Therefore, consistent with our comments elsewhere in this response we request an adjustment to Part I(i) to ensure an appropriate response to the evidence base.

Modifications: "H. Conservation and enhancement of the historic environment:

A layout and built form [underline] that seeks to conserve and enhance important strategic and local views, delivers a fine grain and permeability, and is [underline] informed by [~~strikethrough~~] the Exeter Views, Density and Heights Study and [~~strikethrough~~] archaeological and heritage assessment, evaluation and mitigation;"

Requested to attend examination?: -

Ref: C-13-16-SBA5

Representor: Devon County Council (Estates Development)

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA5: South Gate (Strategic policy)

Paragraph: -

Site: SBA5: South Gate (Site Ref. 46)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: DCC has been working with Exeter City Council in respect of the Southgate Site being brought forward for 100+ residential apartments. Subject to the scheme being commercially viable, meeting statutory authorities requirements and the highways reconfiguration being achievable, then DCC as the Landowner of this site is supportive of this site being included in the Exeter Local Plan and subsequently being developed. This scheme would deliver a high number of residential units on a compact site and with good design, respecting the sites historic context, it will be possible to make the development fit well into the setting. The scheme also offers a great deal of scope for placemaking and to provide a more focussed link between the city centre and the quayside. A development would make good use of a brownfield site and is a highly sustainable location in respect of employment, travel, retail, health & other services.

Modifications: -

Requested to attend examination?: Yes

Ref: C-18-16-SBA5

Representor: Exeter City Council (Corporate Property)

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA5: South Gate (Strategic policy)

Paragraph: -

Site: SBA5: South Gate (Site Ref. 46)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: In accordance with regulations.

Site allocation at South Gate is considered justified (based on evidence) and effective (deliverable) and the council is willing and able to make the land available for development.

Evidence of discussion with required bodies provided.

Modifications: -

Requested to attend examination?: Yes

Ref: D-06-16-SBA5a

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA5: South Gate (Strategic policy)

Paragraph: -

Site: SBA5: South Gate (Site Ref. 46)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As the South Gate redevelopment area includes the site of a former city gate and major through roads of the historic Exeter street pattern, ECS finds it important to add to what is laid out under 'D. Transport infrastructure'.

Modifications: ECS suggests to add as an additional point under D:
'Reinstate and consider the historical street pattern (in accordance with Policy D1f) of this important gateway into the city, especially for the approach from Holloway Street.'

Requested to attend examination?: No

Ref: D-06-16-SBA5b

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA5: South Gate (Strategic policy)

Paragraph: -

Site: SBA5: South Gate (Site Ref. 46)

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Policies SBA1, SBA2, SBA3, SBA4, and SBA5 all list in policy Aii the need to provide serviced self-build plots, but as these sites are likely to be multi-use sites with high rise structures is this at all likely?

These are complex brownfield sites where individual plots are unlikely.

6.40 says that the plot could be an area of land or a customisable unit, but we have concerns that a customisable apartment shell, whilst offering an opportunity for some, is not in the spirit self-building because the fabric of the building, windows and drainage are likely to be in fixed positions, offering little scope for designing a home. Furthermore, the owner will be subject to service charges and possibly leasehold charges.

Modifications: Remove Aii or reword requiring the strategic sites to fund the provision of off-site self-build plots at a ratio of perhaps 1% of proposed homes.

Requested to attend examination?: No

Ref: G-31-16-SBA5

Representor: Rowan Hooper

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: SBA5: South Gate (Strategic policy)

Paragraph: -

Site: SBA5: South Gate (Site Ref. 46)

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: There needs to be far more low car mixed use development. I want to emphasize the importance of including shops to the ground level of the building as it promotes active travel and local businesses. also the Pedestrian path from frias' gate is at a much lower elevation than the road already and could do with an underpass instead of crossings to improve safety, air quality for pedestrians and better traffic flow.

I would like to see the winter night shelter stay and if it has to move to be given an improvement. I don't believe that the parking needs to be replaced as we have enough parking in the center, causing too much traffic in what would be quiet, healthy streets.

Modifications: -

Requested to attend examination?: Yes

Ref: A-01-16-TI1

Representor: Devon County Council

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: TI1: Topsham Infrastructure Delivery Framework: (Strategic policy)

Paragraph: 16.34 and 16.35

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Paragraph 16.34 refers to the expected East Devon Local Plan allocation of an adjacent primary school site that could also serve Exeter children.

The emerging East Devon Local Plan Regulation 19 consultation is due to commence in February 2025, but examination and adoption are likely to be later than for the Exeter Plan. It is therefore afforded some degree of planning weight but lacks certainty at this stage when considering educational place provision in Exeter.

Modifications: The wording within this policy needs to include reference (as it has with other policy allocations) to specify [bold] "Contributions to early years, primary, secondary and special educational needs provision." [bold] At present it only refers to primary education.

Paragraphs 16.34 and 16.35 - Devon County Council seeks a primary school site within the Exeter boundary and allocated in the Exeter Local Plan in preference to reliance on provision within a neighbouring Local Plan to provide certainty of its delivery. Should Exeter City Council not be able to commit to a second primary school site and/or one has not come forward when required, DCC may potentially need to request that Grampian planning conditions are utilised should there be insufficient primary school places at the time of determining relevant planning applications.

Requested to attend examination?: -

Ref: A-02-16-TI1

Representor: East Devon District Council

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: TI1: Topsham Infrastructure Delivery Framework: (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: East Devon District Council consider (in respect of Policy TI1 – Topsham Infrastructure Delivery Framework) - The co-ordinated approach to the delivery of infrastructure on sites north of Topsham within the city and within East Devon District under Policy TI1 is welcomed, however the wording of this policy does not prevent the development of the allocated sites within the city from coming forward ahead of production of the envisaged Infrastructure Delivery Framework or require them to only come forward in accordance with an agreed framework.

Modifications: To address this concern the City Council should add the following wording (or similar) to Policy TI1: “Development of allocation sites ref: 90, 91, 94, 153, shall only be permitted where in accordance with the formally agreed Infrastructure Delivery Framework”. If the City Council is in agreement then wording could be agreed through a statement of common ground and this change recommended to the examination.

Requested to attend examination?: Yes

Ref: B-06-16-TI1

Representor: National Highways

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: TI1: Topsham Infrastructure Delivery Framework: (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Strategic Policy TI1 seeks to establish a delivery framework for new cross-boundary infrastructure to support proposed development north of Topsham within the Exeter and East Devon Local Plans. The policy is welcomed by National Highways, both in terms of the identification of a transport strategy to prioritise sustainable travel, and the proactive cross-boundary planning of future infrastructure requirements.

Modifications: The Plan includes Strategic Policies for five strategic mixed-use brownfield allocations and the Topsham Infrastructure Delivery Framework. Wider residential allocations and new transformational employment allocations are shown in map form. We would expect any future planning applications for significant development to be supported by a vision-led Transport Assessment/Statement and Travel Plan, detailing the transport vision for the site, monitoring arrangements, and contribution to the overarching transport strategy.

Strategic Policy TI1 seeks to establish a delivery framework for new cross-boundary infrastructure to support proposed development north of Topsham within the Exeter and East Devon Local Plans. The policy is welcomed by National Highways, both in terms of the identification of a transport strategy to prioritise sustainable travel, and the proactive cross-boundary planning of future infrastructure requirements. Similar cross boundary considerations are likely to occur for the Peamore site allocation in the Teignbridge Local Plan, and for the Cranbrook and second New Community corridors with East Devon District Council. [bold] We recommend [bold] that the authorities seek to implement similar working arrangements for these areas to minimise any impacts for the SRN.

Requested to attend examination?: Yes

Ref: D-09-16-TI1

Representor: RSPB

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: TI1: Topsham Infrastructure Delivery Framework: (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The RSPB supports the recognition of the need to deliver Green Infrastructure.

Given the proximity to the habitats sites (Exe Estuary SPA and east Devon heathlands), it will be necessary to provide Green Infrastructure sufficient to absorb daily recreational needs of new residents. RSPB recommends investigation of scope for SANG, which is particularly important for dog walkers to avoid increase of that activity affecting the protected sites.

Modifications: -

Requested to attend examination?: No

Ref: H-18-16-TI1

Representor: Anonymous

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: TI1: Topsham Infrastructure Delivery Framework: (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: -

Requested to attend examination?: -

Ref: H-19-16-TI1

Representor: Anonymous

Chapter/section of the Exeter Plan: 16 - Site allocations

Policy: TI1: Topsham Infrastructure Delivery Framework: (Strategic policy)

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: -

Requested to attend examination?: -

Ref: B-03-17-X

Representor: Historic England

Chapter/section of the Exeter Plan: 17 - Monitoring and implementation

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: HH1: Conserving and enhancing heritage assets: Clarification needed. We support the inclusion of an indicator relating to the number of applications permitted contrary to the advice of Historic England. However, it is unclear whether this refers to all concerns raised, or only to objections?

HH1: Conserving and enhancing heritage assets: Additional indicator requested. We request an additional indicator relating to the number of heritage assets in the city on the Heritage at Risk Register along with any equivalent local register. This will assist in tracking the Plan against the statement at NPPF 203 that the positive strategy for heritage in a plan should include 'heritage assets most at risk through neglect, decay or other threats'.

H15: Housing density and size mix (Strategic policy): Additional indicator requested. The Exeter Skyline and Views Assessment represents a step change in the understanding of important views across the city, to inform future development. To help provide a framework that secures the implementation of the report's recommendations, it will be beneficial if the impact of approved schemes on identified important views is monitored and reported on.

Modifications: HH1: Conserving and enhancing heritage assets: Clarification needed. To ensure that the indicator is measurable, we suggest that it clarified whether this refers only to objections (which will be rare) or also to concerns raised by Historic England.

HH1: Conserving and enhancing heritage assets: Additional indicator requested. Insert new indicator to reflect the number of assets in Exeter on Historic England's Heritage at Risk Register [Embedded link: <https://historicengland.org.uk/listing/heritage-at-risk/search-register/annual-heritage-at-risk-registers-and-maps/>] along with any local register.

H15: Conserving and enhancing heritage assets: Additional indicator requested. Insert new indicator for the number of schemes approved that would result in a significant impact on an important view identified in the Exeter Skyline and Views Assessment.

Requested to attend examination?: -

Ref: B-06-17-X

Representor: National Highways

Chapter/section of the Exeter Plan: 17 - Monitoring and implementation

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: As previously noted, we recommend reference to the monitoring of development Travel Plans, particularly given the objectives of the Plan around active travel and reducing the need to travel.

It is also unclear how the goal of 50% of trips within the city being taken by active travel will be monitored. We understand that this is a shared ambition with Devon County Council, established within both the Exeter Transport Strategy and Local Transport Plan 4. Currently there is no reference to this ambition within plans to monitor implementation of the Exeter Plan.

Similarly, whilst it is welcomed that the plan intends to undertake monitoring of bus and rail patronage in line with Strategic Policy STC4, no wider monitoring of enhancements in service provision or Park and Change use appear to be proposed. Examples of additional monitoring could include the delivery of new/extended bus services or increases in rail service frequency, to demonstrate a qualitative improvement in the public transport offer.

Modifications: [...] As previously noted, we recommend reference to the monitoring of development Travel Plans, particularly given the objectives of the Plan around active travel and reducing the need to travel.

[...] Examples of additional monitoring could include the delivery of new/extended bus services or increases in rail service frequency, to demonstrate a qualitative improvement in the public transport offer.

Requested to attend examination?: Yes

Ref: C-32-17-X

Representor: South West Housing Association Planning Consortium

Chapter/section of the Exeter Plan: 17 - Monitoring and implementation

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: We would like the Local Plan to acknowledge further the role of Housing Associations in providing affordable housing in Exeter. It would be beneficial to see the Council recognise the role of Housing Associations and encourage developers to have early active engagement with Housing Associations in the preparation of planning proposals. Early engagement enables Housing Associations to have an active role in the planning and design of developments to ensure that the development addresses local housing needs and meets the management requirements of SWHAPC members. It is recommended that the Council adds 'Collaboration with Registered Providers' to the delivery mechanisms for Policy H4 in the monitoring section of the draft Local Plan.

Modifications: It is recommended that the Council adds 'Collaboration with Registered Providers' to the delivery mechanisms for Policy H4 in the monitoring section of the draft Local Plan.

Requested to attend examination?: -

Ref: D-06-17-Xa

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 17 - Monitoring and implementation

Policy: -

Paragraph: Tables for H1, H2 and H3

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The wording in the 'Delivery Mechanism' column for H1, H2 and H3 is incongruous.

Modifications: In all three sections the wording needs to read the same:

'City Council delivering own housing stock'

Requested to attend examination?: No

Ref: D-06-17-Xb

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: 17 - Monitoring and implementation

Policy: -

Paragraph: Tables for NE6 and D1

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: -

Comments: NE6: should this also include a reference to 'Green Infrastructure Standards for England'?
D1: could this also include an independent Design Review Panel as a delivery mechanism?

Modifications: NE6: add 'Green Infrastructure Standards for England' to the Delivery Mechanism list
D1: add 'Independent Design Review Panel' to the Delivery Mechanism list

Requested to attend examination?: No

Ref: D-07-17-X

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: 17 - Monitoring and implementation

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Section 17: Monitoring and Implementation

The monitoring framework sets out an indicator, target and delivery mechanism for policies. The HBF recommends that the Council include an appropriate monitoring framework which sets out the monitoring indicators along with the data source and where they will be reported, and along with the targets that the Plan is hoping to achieve the HBF considers that the framework should include actions to be taken if the targets are not met. The HBF recommends that the Council provide more details as to how the plan will actually be monitored, and identifies when, why and how actions will be taken to address any issues identified.

Modifications: [...] The HBF recommends that the Council provide more details as to how the plan will actually be monitored, and identifies when, why and how actions will be taken to address any issues identified.

Requested to attend examination?: Yes

Ref: D-09-17-X

Representor: RSPB

Chapter/section of the Exeter Plan: 17 - Monitoring and implementation

Policy: -

Paragraph: Table for Policy NE3

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: While supportive of monitoring of required provision of BNG, there is nothing about monitoring any loss in existing biodiversity, especially if that relates to significant nature conservation sites/habitats/species such as any unmitigated impacts on statutory sites or irreplaceable habitats. Such monitoring is a means to know how well Exeter City Council is meeting its policy commitment in NE3 to protect existing sites or features of nature conservation value, which is separate to providing at least 10% BNG from new developments.

Modifications: -

Requested to attend examination?: No

Ref: F-01-17-X

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: 17 - Monitoring and implementation

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: F-02-17-X

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: 17 - Monitoring and implementation

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: The proposed policies H4, H5 & H6 taken together will are not sound and will fail to be effective:

- The position in the preamble "Overall, it is likely that Policy H4 will deliver approximately 20% of homes as affordable," makes it clear that the policy will fail to deliver the quantum of affordable homes to meet the level of local housing needs as identified in the LHNA,
- achieve the H4 strategic objective of "Provide[ing] the quantity, type, quality and affordability of homes that Exeter needs in the right locations."
- Nor does it demonstrate the number and split provided in the evidence of sites assessed in HEELA which can deliver affordable housing in the numbers and proportion required to meet the affordable housing need set out in the LHNA.
- The policy does not the Council will 'help to deliver' as stated in 6.23 in order to achieve 6.14 In meeting the housing requirement, it is important that we help to deliver the variety of homes that our communities need.
- The policy does not have clear targets for the quantum of affordable homes delivered by virtue of other mechanisms set out in 6.23 to demonstrate if the approach in 6.23 is effective meeting local needs the need for affordable housing as set out in the LHNA.

In addition, taken together the LHNA and the Viability assessment does not justify the low proportion of affordable housing on brownfield sites.

To meet the projected housing requirement in the LHNA, a substantial increase in total housing delivery is required compared to the previous plan period (see graph below based on monitoring report [1] figures) and it is noted that the projected housing requirement also includes a 'buffer' set out in the LNHA housing numbers in policy H1. The LHNA sets out the housing problems in Exeter in terms of demand and affordability.

The LHNA [2] factors in previous under- delivery of housing into the affordability uplift. [6.28] explains that "The affordable housing need as calculated fully enumerates the current and future affordable housing needs, and the current need component itself encompasses those households impacted by any previous under-delivery of affordable dwellings".

[Figure: Exeter Housing Delivery 2006-2026]

Over the previous plan period affordable housing delivery achieved almost 27%, some 8% below the policy requirement of 35%. The current LHNA identifies a need of 33%: 67% (rounded) affordable to market homes. To be effective the policies in the plan need to acknowledge the challenges of the previous plan but set out more ambitious targets for affordable housing given the housing crises facing communities across Exeter. The current policy is putting overarching viability, at this one point in time in an economic cycle, ahead of meeting urgent locally assessed housing need.

Policy H4

Proportion of affordable housing:

Policy H4 adopts an approach with 35% affordable on Greenfield sites and 15% on Brownfield sites. The policy does not set out the expected proportion of Greenfield/Brownfield development will achieve "approximately 20% of homes as affordable," given that the plan approach is brownfield first and greenfield sites are expected to make a small contribution. The HEELA does not address which are considered Green or Brownfield sites specifically. This is significant since if the vast majority of homes are built on greenfield sites at 35% policy rates then there is more likelihood of achieving the numbers of affordable homes needed. The brownfield first approach (15% affordable) will produce a much lower number of affordable homes overall.

Given The HEELA does not address which sites are suitable or being promoted for affordable housing, (which then may be developed for example by contributions arising from policy H6 (Coliving) or other sources of grant) the policy does not effectively show how the approach in 6.23 can be delivered. The Council, for instance, only has a limited supply of its own land on which to build and some housing associations are surrendering land in the city centre, so already resulting in a loss of affordable housing.

Moreover, if 20% of homes are delivered as affordable, including social, this policy will not meet the needs set out in the LHNA. There needs to be a balance between the aspirations of developers and landowners consulted who were engaged in the viability assessment process and the needs of residents in need of homes in Exeter. The planning system must secure maximum benefits in the public interest through the granting of planning permission this policy fails to do that. The viability does not reference the LHNA findings.

The Viability modelling has adopted a too cautious approach to modelling affordable housing proportions for brownfield sites, build to rent and co-living and different potential policy requirements for affordable housing have not been modelled. Nor does the viability assessment model a proposed affordable: market mix based on the LHNA in order to assess the extent to which affordable homes (meeting LHNA) needs can be balanced. Policy requirements, particularly for affordable housing, should: be set at a level that takes account of needs and and fails to demonstrate how it has done so in line with planning policy guidance. [3]

The proportion of affordable (including social): market homes should be reviewed and amended to (better) meet the independently assessed needs in the LHNA (suggesting a 33%: 67% split) and set out the level of expected grants and subsidies and the expected number of homes to be developed through these mechanism in order to meet any gap. The Local Plan viability assessment identifies clear headroom on the strategic brownfield sites, some at higher affordable housing rates:

[Table: VA1 Viability £/dwelling headroom]

Of course economic viability will change over the economic cycle and lifetime of the plan which is allowed for in

6.20 and the NPPF which recognises viability and also provides for overage in order to secure public benefit if the development is more profitable than expected is welcome.

Deliverability:

H4 goes on to say that "while grants and other subsidies will be used to increase the number of affordable homes delivered." The Policy does not say which body will secure those grants and subsidies or who will deliver the housing, and is therefore aspirational and undeliverable.

Exeter City Council's Council housing strategy [4] to build 500 council homes is referenced, yet this does not cover the whole plan period as this strategy ends in 2030 and will not in itself meet the needs of the number of people in need of social housing. It is noted social housing is differentiated in the LHNA and is emphasised as a very important source of truly affordable housing, and is identified as a priority in the Devon Housing Commission Report [5] to meet local housing need.

6.22 in the H4 policy preamble says "Should the affordability restriction on an affordable home be lifted, the subsidy will be recycled to provide new affordable housing in Exeter as approved by the City Council." Lifting the restrictions on affordable homes will remove the affordable homes from the provision and not be available to meet need over the lifetime of the plan. There is no assessment of the likely impact on this policy on the number and type of homes which might be impacted by this policy. All affordable homes should be required to remain affordable in perpetuity, exceptions notwithstanding, noting that there are mechanisms to ensure affordable purchase can remain affordable.

Meeting the needs of people with a disability and aging population

6.22 also identifies that at least "10% of the affordable homes will be expected to meet wheelchair user accessibility standards as required by Policy H14." However, the LHNA identifies a greater need and potentially an "existing unmet need for M4(2) housing and some may actually be wheelchair users needing M4(3) housing" i.e. wheelchair accessible homes at 11%, preferably 15% (p86 & 7.78 p 89) LHNA)

The policies will not be effective in delivering in a way which meets this current and forecast need for people with disabilities or an ageing population. The Devon Housing Commission recommends (emphasis mine) that, "as well trying to increase the number of social rented homes delivered, local authorities should also explore ways that the planning system can be used to shape the type of housing that is delivered " e.g. in size and price range - so that local need is prioritised over open market demand".

[Footnotes]

[1] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1734691594/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Authority%20Monitoring%20Report%202022-23.pdf/xjlie0tbnlikisurtwwf.pdf>]

[2] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733849160/projects/66e1bd7c5ec13e2bc2471edb/media-upload/2024%20Exeter%20Local%20Housing%20Needs%20Assessment.pdf/g5i5jlq3yilbu1w5u0lo.pdf>]

[3] [Embedded link: <https://www.gov.uk/guidance/viability> - Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at

the decision making stage]

[4] [Embedded link:

<https://committees.exeter.gov.uk/documents/s93157/Exeter%20Council%20Housing%20Strategy.pdf>]

[5] [Embedded link: <https://news.exeter.ac.uk/wp-content/uploads/2024/07/2024EI047-Devon-Housing-Commission-Final-Report-v8.pdf>]

Modifications: To demonstrate why the policy is justified and improve soundness:

Policy H4: The minimum percentage of affordable homes on Greenfield and Brownfield site should be reassessed to better meet the local housing need for affordable housing as identified in the LHNA. Any update to the viability assessment should consider if a lower proportion (than 33%) of affordable housing on brownfield site can be realistically be met via the provision Greenfield site or other mechanism set out in 6.23.

Amend to improve soundness:

6.22 Affordable homes secured under Policy H4 should be delivered without public subsidy and (with the exception of First Homes) be disposed of to a locally operating Registered Provider agreed with the City Council. The affordable homes must be made available to eligible and qualifying households in need of affordable housing in accordance with the Citys Councils published criteria or to essential local workers. At least ~~10%~~ **18%** of the affordable homes will be expected to meet wheelchair user accessibility standards as required by Policy H14. **Affordable Homes should remain affordable in perpetuity, should in exceptional cases the affordability restriction on an affordable home be lifted, the subsidy will be recycled to provide new affordable housing in Exeter as approved by the City Council.**

Add to H5: Build to rent

"f. the affordable homes shall remain affordable in perpetuity"

to ensure that any changes possible under H5 b *"Are held as build to rent for at least fifteen years under a covenant;"* do not result in a loss of affordable homes.

ADD to Section 17 to demonstrate the effectiveness of the policies

a target, indicator and delivery mechanism to demonstrate the effectiveness of the approach set out in 6.23 and a target, indicator and delivery mechanism to demonstrate the number of affordable homes delivered to wheelchair accessible standards

Requested to attend examination?: Yes

Ref: C-09-MAP

Representor: Co-owners of land to the south of Woolsgrove House

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: As suggested so as to avoid repeat representations, I write on behalf of the 8 co-owners of land to the south of Woolsgrove House, Church Hill Pinhoe EX4 9JG, known as Site 36 in the HELAA.

[image]

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.

Site location plan

[image]

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.

[image]

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

[image]

See

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.

[image]

Modifications: 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.

[image]

Requested to attend examination?: Yes

Ref: C-14-MAP

Representor: Devon County Council (Landowner)

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: [Regarding legal compliance:]

The local plan is legally compliant as it has been prepared in accordance with the Local Development Scheme and has been published alongside a sustainability report.

The site allocation has been subject to public consultation through the Regulation 19 consultation in accordance with the Councils Statement of Community Involvement which sets out the strategy for involving the community in the preparation and revision of plans.

The landowner has also complied with s123(2A) of the local Government Act 1972 and between 28 December 2023 and January 12 2024 advertised its intention to dispose of the site, which forms part of land considered to be open space. The landowner has considered the objections received and a summary of the issues raised by the public and Devon County Councils response are provided below. This demonstrates how the site can be developed to overcome neighbour concerns and meet local and national plan policy.

[bold] Design and Layout [bold]

Issue - Too many dwellings and high buildings would be visually intrusive.

Response - The size and scale of any new building can be carefully designed to prevent any detrimental impact upon the Conservation Area, adjacent Listed Building and its setting. It is considered that a two and a half/three storey building would be suitable for this location and would not be visually intrusive given the existing screening from existing buildings and trees. This would be in accordance with emerging policy D1 of the emerging Local Plan, which states developments must; provide a layout and built form that makes efficient use of the site and complements the surrounding area and buildings through appropriate densities, massing and building heights.

As previously mentioned although the landowner is supportive of the allocation for 21 dwellings it is considered that with the site constraints, Listed Building, trees and ecology/BNG that a lower density of development would be more suited to this location.

[bold] Heritage/Conservation Area.[bold]

Issue - The site is located within a Conservation Area & should not be developed.

Response- The proposed site is located in the conservation area but previously consisted of a modular office building which has been demolished. The proposed redevelopment of the site can be sensitively designed to enhance the character and appearance of the area in accordance with 'emerging' Local Plan policy H2 which requires development proposals to conserve the distinctive character, special architectural value and historic significance of Conservation Areas. The site has also been subject to consultation with Exeter City Council's Conservation Officer and no objection has been raised regarding the allocation of the site for development.

[bold] Affordable Housing [bold]

Issue - A request was received for affordable housing on the site.

Response - Any application will comply with the emerging Local Plan policy H4 which requires 15% affordable homes on developments of ten homes or more or with a site area of 0.5 hectares or more (subject to viability).

[bold] Sustainable Travel - Public footpath [bold]

Issue - Area provides a safe walking route for school children/others.

Response - There is no formal footpath through the site, however the curtilage allows for the retention of routes frequently used by the public and dog walkers through wooded areas. A considerable green corridor between the site and Matford Lane will be retained to allow for recreation and walking.

The proposed development will also be designed to allow natural surveillance of paths to enhance the security of the area.

[Bold] Open Space/Recreational Area [bold]

Issue - Loss of open space used by the school.

DCC Response: The loss of open space at County Hall will be limited as the majority of the new development will be constructed upon the footprint of the previous building with communal areas/gardens provided adjacent to the building(s).

The total green space at County Hall is 5.00 hectares, the area in question is an area of 0.60 hectares of which 0.23 hectares is currently public open space (POS). This represents 4.65% reduction in total to the current POS on site. Although the quantity of POS will be reduced the quality of the remaining land can be enhanced to compensate for the loss.

Some of the curtilage is covered by trees and the majority of these are protected. A considerable green corridor between the site and Matford Lane will be retained to allow for recreation and walking.

[bold] Loss of Trees and Biodiversity [bold]

Issue - Concern raised regarding potential loss of trees and biodiversity.

Response - It is not anticipated that there would be any significant tree removal. It is possible a very small number of category C trees would be removed and replaced on the County Hall site to allow access.

A minimum of 10% Biodiversity net gain will be provided on the site and protected trees will be retained in

accordance with the Environment Act (2021) and policy NE3 of the emerging Local Plan, which highlights the need to.

"Provide at least 10% Biodiversity Net Gain on site where possible, but elsewhere if not, in accordance with national and local guidance, to meet the Biodiversity Gain Objective, help deliver the Local Nature Recovery Strategy and to ensure a net biodiversity gain for the city."

[bold] Infrastructure [bold]

Issue - Over stretched infrastructure (hospitals, doctors, roads).

Response - The impact upon the capacity of local infrastructure will be considered through the formal planning process and contributions towards health, road improvements could be sought at planning application stage. The site offers the opportunity for car free or low car development which will limit any impact upon the road network.

[bold] Education [bold]

Issue - Oversubscribed primary school.

Response - The current number of pupils on roll at St Leonards is 619 against a 630 capacity. Forecast cohort data (up to '27/28) also shows a surplus of primary capacity. In terms of pupil place planning considering all primary schools within the statutory walking distance of 1.5 miles from the development site there is also adequate capacity in the wider area. The impact to education capacity will be assessed once a planning application is submitted. If there is an under provision a contribution towards education could be provided via a Section 106 agreement

[bold] Public Consultation [bold]

Issue - Public wanted more consultation with local residents.

Response - DCC has complied with s123(2A) of the Local Government Act 1952 by advertising its intention to dispose of land forming part of a public open space and considering the objections that were received. This process also enabled DCC to engage with local residents and relevant organisations to identify any key site issues and local concerns which would need to be addressed as part of the site allocation and future planning application. DCC have reported all the local objections to Exeter City Council.

The allocation of the site is also subject to consultation through the Local Plan process

[bold] Construction Process [bold]

Issue - Disruption of building works/ development.

Response- The concern regarding disruption from building work can be addressed at application stage once the design of the development is known. A Construction Consideration Statement/Management Plan can be conditioned to limit any impact upon the residential amenity of neighbouring properties which are located over 50 metres from the site in accordance with 'emerging' local plan policy H16. Policy 16 states that "development proposals will be supported when they do not result in unacceptable harm to the amenity of neighbouring residents. New homes must provide safe and healthy living conditions and good standards of amenity for future occupiers". The construction consideration statement will include details of access, contractor vehicle site movements, when work can be carried out/hours of operation, noise, vibration, dust, waste recycling, material

storage, general contractor site conduct, response to complaints etc.

In addition, DCC can provide access for construction through County Hall from its main access of the Topsham Road.

Conclusion

The site is considered suitable for residential development being within Exeter on previously developed land in a sustainable location with good access to jobs, services and facilities by sustainable modes of transport. The site could be sensitively designed to overcome neighbour concerns regarding design and layout, visual impact and loss of open space at planning application stage and the density/number of units could be lowered to help address site constraints. The proposed site allocation and local plan process is considered to be sound, legally compliant and meets the duty to co-operate.

[Regarding soundness:]

The development of the site for housing would result in a sustainable form of development which would be **'consistent with national policy'** in the NPPF on sustainable development.

The proposed site forms part of Devon County Council County Hall site and is located off Matford Lane. The site previously accommodated a modular office building which was demolished in September 2023 following planning consent being approved on 15 March 2023. (Devon County Council Ref. DCC/4335/2023.) The land currently consists of the footings of the building with grassed areas and trees on the boundary. It is intended to seek planning permission to increase the time period for retention of the footings whilst the site is considered for housing. The neighbouring development consist of a mix of residential, education and commercial uses. The site sits adjacent to Devon County Council a Grade II* Listed Building.

The site is situated in a sustainable location within the urban area of Exeter City Council adjacent to residential properties and located approximately 10 minutes on foot from shops on Magdalen Road (0.4 miles) and 20 minutes (1 mile) to the City Centre. It is also near essential services and facilities and job opportunities, including:

St Leonards Primary School: 0.3 miles (5-minute walk).

Isca Academy: 1 mile (20-minute walk or 5-minute drive).

Waitrose Supermarket: 1.1 miles (17-minute walk or 5-minute drive).

Train Station: 1.1 miles (20-minute walk or 5-minute drive).

Hospital: 1.2 miles (17-minute walk or 5-minute drive).

The site allocation can be 'justified' as the Council has followed an appropriate strategy having taken into account the reasonable alternatives as part of the Local Plan process. The site was put forward for development by Devon County Council and was reviewed for development in the HELAA and considered suitable for housing development in the Reg 19 Local Plan.

The site allocation is considered to be sound as the plan has been **'positively prepared'** to meet the areas objectively assessed housing need, has been considered in accordance with the Local Plan process and would provide up to 21 residential dwellings to help meet the City Councils delivery target of 13,975 homes between 2021 and 2041. Forming part of the 5,369 homes on site allocations.

It should also be recognised that with the introduction of the revised NPPF in December 2024, the standard method of calculating housing need has been amended and it is likely a much greater housing need is required by Exeter City Council and more allocations for housing.

The site allocation would be **'effective'** as it will be available and deliverable in the next five years. It is a vacant previously developed land (see NPPF definition of previously developed land below) which is surplus to DCC requirements.

Previously developed land: Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.

The site has all the necessary infrastructure for future housing development with connections to gas electricity and telecommunications and highways. The site has good drainage and surface water is disposed of via soakaways.

The site does not have any significant site constraints which would prevent development. It is not located in a sensitive environmental location or within a high risk flood zone. The site is located in flood zone 1 as shown on the environment agency flood risk maps.

The site would, therefore, be available and deliverable in the next five years to help Exeter City Council meet their 5 year housing land delivery targets.

Suggested amendment (to ensure soundness)

Although the Council as landowner is supportive of the allocation for 21 dwellings it is considered that with the site constraints, Listed Building, trees and ecology/BNG that a lower density of development would be more suited to this location. The HELAA originally suggested 10-15 units on the site which was increased by the Development Management Team suggesting the site could accommodate a 3-4 storey development of around 21 apartments. This may result in a more visually intrusive and cramped form of development within the Conservation Area and adjacent to the Listed Building. It is suggested that a lower number of say 15 dwellings would be more appropriate in this location and could be amended in the table in emerging policy H2.

[Regarding duty to cooperate:]

The site was considered in the Housing and Economic Land Availability Assessment HELAA and considered through the Local Plan process and consultation with the landowner and relevant consultees has taken place.

The Local Planning Authority has engaged constructively, actively and on an on-going basis with the landowner, neighbouring authorities and statutory bodies during the preparation of the plan and consideration of this site and have complied with the Duty to Cooperate.

Modifications: Although the Council as landowner is supportive of the allocation for 21 dwellings it is considered that with the site constraints, Listed Building, trees and ecology/BNG that a lower density of development would be more suited to this location. The HELAA originally suggested 10-15 units on the site which was increased by the Development Management Team suggesting the site could accommodate a 3-4 storey development of around 21 apartments. This may result in a more visually intrusive and cramped form of development within the

Conservation Area and adjacent to the Listed Building. It is suggested that a lower number of say 15 dwellings would be more appropriate in this location and could be amended in the table in emerging policy H2.

Requested to attend examination?: Yes

Ref: C-16-MAP

Representor: Eutopia Exeter Arches Ltd

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: Yes

Comments: [Legal Compliance:]

Draft housing allocation (Ref 163) of 'Mary Arches Multi-Storey and Surface Car Park' is identified on the Proposals Map. It is not clear, but it could be read that a small slither of the site (falling on North Street) is located with a 'primary shopping area'. This is inconsistent with the sites draft allocation for new homes.

This is therefore not consistent with national policy.

[Soundness:]

It does not meet the tests of soundness as set out in para 36 of the NPPF; namely 'consistent with national policy'.

Draft housing allocation (Ref 163) of 'Mary Arches Multi-Storey and Surface Car Park' is identified on the Proposals Map. It is not clear, but it could be read that a small slither of the site (falling on North Street) is located with a 'primary shopping area'. This is inconsistent with the sites draft allocation for new homes.

This is therefore not consistent with national policy.

Modifications: Remove Primary Shopping Area annotation from draft site allocation 163.

Requested to attend examination?: No

Ref: C-21-MAP

Representor: Growen Estates

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: Failure to identify land north of Honiton Road, west of Fitzroy Road, south of Myrtlebury Way and east of the Exeter-Exmouth Railway Line as a District Centre (see accompanying Site Location Plan at Annex 1).

The site benefits from planning permission (ref. 19/1461/OUT) for retail and related town centre uses. Neither of the two town centres to serve the Monkerton and Hill Barton Masterplan Area as identified in the Masterplan document have come forward, and the land is not available for those purposes. The site at issue is now the only opportunity to provide local shopping and related facilities for the new community (approximately 2,500 homes) as well as the substantial existing residential and business communities on the east side of Exeter for which there is currently no coherent provision through a town centre.

Allocation of the site for a town centre will therefore reflect the planning permission that has been granted and its intended purpose to deliver a sustainable community on the east side of Exeter.

Whilst the plan purports to have made provision for a small number of new centres, it does not justify the failure to do so for the existing and future communities on the east side of Exeter, and specifically why the subject site that already benefits from planning permission and is intended to serve the existing and future communities, has been omitted.

In the face of an existential threat to bricks and mortar retailing from on-line sales, a much smarter approach to the designation of centres is required if physical retailing is to be delivered and sustained through a policy framework that enables, rather than discourages, investment. There is inertia in the Councils approach to the town centre hierarchy in Exeter which has failed to respond to either current market circumstances or to the citys expansion, in particular the substantial growth of residential and business communities on the east side of Exeter.

Modifications: Designation of the subject site identified on the accompanying site location plan (at Annex 1 as a district centre through inclusion in the list of District Centres at paragraph 8.14.

Consequential amendments to the Policies Map.

Requested to attend examination?: Yes

Ref: C-23-MAP

Representor: Heritage Developments (South West) Ltd

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: [Legal compliance:] No further comments necessary

[Soundness:] Our Client owns the site that is identified in the Plan at Policy H2, reference 95 (Land at Topsham Golf Academy). We consider that the site should be allocated for residential development and therefore this part of the Plan is supported. We attach representations to the previous version of the Plan (Reg 18) setting out the justification for the allocation (see letter dated 15th January 2024). Further, in terms of deliverability/viability it is important to be aware that the site is the subject of a current planning application (Council Ref: 24/0785/FUL) for residential development for 54 units (detailed). The application remains undetermined at the time of presenting this submission/representation but it is expected that permission will be granted in due course.

[Duty to cooperate:] No further comments necessary

Modifications: -

Requested to attend examination?: No

Ref: C-24-MAP

Representor: Landowners of Former Bramdean School Playing Fields

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: [bold] Exeter Policies Map and former Land at the former Bramdean school between Goldsmith Street and Homefield Road – Policy IF4 [bold]

We note that the school playing fields at the former Bramdean School between Goldsmith Street and Homefield Road continue to be identified on the Submission Draft Local Plan Policies Map as 'Open Space, Play Areas, Allotments and Sports'. As such draft policy IF4 is then relevant to the land.

[image]

Policy IF4 protects [italic] 'Existing open space, play areas, local green spaces, allotments, playing pitches and sports facilities'. [italic] Bramdean School, before its closure in 2020, was an independent / private school. The area of land in question is in private ownership and has never historically been available to the general public for sports, recreational or general public open space use and is therefore not available. The total site area measures 0.5 hectares and measures approximately 80 metres by 60 metres at its narrowest point.

We note that the former playing field at Bramdean school has also been included in the Exeter Playing Pitch Strategy, October 2022.

Para 1.5 of this document confirms when disposal of a playing field is appropriate, and this includes [bold] 'that the proposed development affects only land incapable of forming part of a playing pitch'[bold]. It is noted that para 2.18 of the Playing Pitch Strategy states:

[italic] 'access of up to the equivalent of a minimum of an additional 7 x Youth 11v11 and 5 x 9v9 pitches will be required, ideally on sites which are able to accommodate a range of pitch sizes

.....There is potential for greater community use at a small number of other schools, notably the new Monkerton Community Primary School and the playing field at the former Bramdean School (now closed).' [italic]

This same paragraph lists order of priority for a number of sites to be bought back into use for youth football. Bramdean school sits at the bottom of this list of 9.

Football pitch areas are confirmed in the Playing Pitch Strategy Glossary of Terms and Pitch Sizes in Table 2. This confirms the following pitch areas are needed for football pitches. This does not include run-off or ancillary

facilities such as parking, toilet and storage facilities.

[Table]

This therefore identifies that for a youth football pitch for 9v9 a pitch area of 0.41 ha is needed with space of 79 metres x 52 metres. This excludes any run-offs, car parking or other facilities such as toilets. The land in question is therefore too narrow and small for the youth football pitches identified in the Playing Pitch Strategy. The consultants in undertaking their Playing Pitch Strategy and assessment of sites, clearly did not visit or measure sites. If they had done, they would have identified that the land between Goldsmith Street and Homefield Road is too small to fit the football pitches needed. In addition, the site is not available as it is private land that has never been available for public use. The site should therefore be removed from the policies map as of the land is not suitable for Open Space, Play Areas, Allotments and Sports' as it is clearly not capable of delivering a sports pitch (large enough) or available for this purpose. In addition, it is noted that general playing pitch provision is within the Infrastructure Delivery plan but no cost is provided.

Para 32 of NPPF states:

'The preparation and review of all policies should be underpinned by relevant and upto-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals'.

Para 35 of the NPPF details the tests of soundness that Local Plans will be assessed against at examination in public. This requires plans to be justified based on proportionate evidence and effective or deliverable over the plan period as well as consistent with national policy.

The evidence put forward with regard to the capability of Land between Goldsmith Street and Homefield Road to accommodate a playing pitch (in particularly youth football) is not robust as it is clear that the area of land is too small to accommodate such provision. In addition, it is not deliverable as the land is in private ownership. The identification for the land for Open Space, Play Areas, Allotments and Sports' is therefore not justified and deliverable and therefore contrary to the requirements of the NPPF.

Modifications: Recommendation

Land at the former Bramdean school between Goldsmith Street and Homefield Road should be removed from the policies map as an area for Open Space, Play Areas, Allotments and Sports as its inclusion is not justified as it is incapable of forming part of a playing pitch. The site is not available for such a use and is not large enough to accommodate the requirement for youth pitches as required in the Playing Pitch Strategy.

Requested to attend examination?: Yes

Ref: C-26-MAP

Representor: Murleigh Retail

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Subject: Exeter Plan: Proposed allocation of 88 Honiton Road

I refer to the previous correspondence sent to Exeter Estates (part of the Rowe Group Holdings) (the landowner of the above site) requesting an update as to the progress of the above site in respect to its proposed allocation as a housing site in the forthcoming Local Plan.

I act on behalf of Murleigh Retail, which has very recently signed an agreement with Exeter Estates to bring forwards the development of the above site in the immediate future. Accordingly, I can confirm that the site is now not being brought forwards for housing but rather will revert to its longstanding historical use (namely as a petrol filling station). As such, the site is no longer going to be available for a residential development. Accordingly, we would request that the proposed housing allocation on this site in the forthcoming Exeter Local Plan is deleted on the basis that there is shortly going to be a significant new investment on the site for a new petrol filling station along with associated new job creation. The site will, therefore, not be available for redevelopment to housing during the plan period of the new plan. Alternatively, the designation should be amended to refer to housing/roadside uses.

I am aware that the deadline for representations to the Local Plan closed yesterday. I would though be grateful if you could please note the above to avoid a redundant allocation being included within the emerging Local Plan and accept this representation to the Reg 19 plan.

Should you have any further questions in this matter or wish to discuss further, please do not hesitate to contact me.

Modifications: Accordingly, we would request that the proposed housing allocation on this site in the forthcoming Exeter Local Plan is deleted on the basis that there is shortly going to be a significant new investment on the site for a new petrol filling station along with associated new job creation. The site will, therefore, not be available for redevelopment to housing during the plan period of the new plan. Alternatively, the designation should be amended to refer to housing/roadside uses.

Requested to attend examination?: -

Ref: C-31-MAPa

Representor: Salter Property Investments Ltd

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: For reasons set out in representations to Policy H1, the provisions of the plan are insufficient to meet current housing needs, and therefore the homes that are needed now and during the remainder of the Plan period. That deficiency is compounded by the insufficiency of the allocations that are made in Policy H2, and which risk failing to meet the housing requirement at which the Plan is aiming, which itself falls well below the latest assessment of local housing needs.

Considerable reliance is placed on strategic mixed use brownfield sites that are of uncertain deliverability within the timescales, nor will they provide the type of housing that is required (predominantly houses with gardens for families) and therefore that the market can deliver. Moreover, the reduced contribution towards affordable housing required from brownfield sites means that the substantial need for affordable homes will be even further from being met.

The largest allocation in the Plan, the site at Water Lane, was first identified as an opportunity for mixed use redevelopment (including housing) in the Exeter Local Plan First Review that was adopted nearly 20 years ago in March 2005. Notwithstanding that outline planning permission has recently been granted for its redevelopment (January 2025), there are some very significant challenges relating to its redevelopment. Moreover, the planning permission that has been granted is for only up to 1,300 homes whereas in Policy H2, the Council is relying on the delivery of 1,861 new homes. Therefore, on the basis of this one site alone, there is a deficit against the Regulation 19 Local Plan target of 561 homes, and it is likely that the identified capacities of some of the other sites will be equally optimistic. Furthermore, the proposed development will deliver a substantial number of apartments when the predominant market demand in Exeter is for family homes. This casts further doubt on the deliverability of the scheme. Finally, in relation to the Water Lane site, planning permission has been granted without any requirement for affordable housing due to the abnormal costs of redevelopment, the latter reflecting the difficulties and uncertainties pertaining to the delivery of any homes on the site. Therefore, the largest allocation in the Local Plan will not deliver any affordable housing to meet the compelling need in Exeter. This alone provides justification for allocating additional greenfield sites that can deliver a policy-compliant (35%) level of affordable housing to compensate for the lack of delivery from the predominant housing allocation in the Plan.

Given the City's track record of failure to demonstrate a five year supply of deliverable housing land either upon adoption of the Core Strategy, or during the entirety of the Core Strategy period to date, and its failure to review the Plan in accordance with either the timescales agreed with the Core Strategy Examination Inspector (2 years if the housing land supply remained unresolved) or statutory requirements (5 years), it is imperative that the current plan incorporates significant contingencies. This is even more important given that the Plan is seeking to meet

only 642 dwellings per annum against a current local need for 800 homes per annum, and therefore underproviding against the latest assessment of the need for homes by 25%. Assuming that this is in accordance with the transitional arrangements set out in the recently revised NPPF, nevertheless it manifests a real and compelling need for homes, provision for which will be postponed for a further period of years. The fact that local needs have increased by 25% compared with the previous assessment using the, now superseded, national standard method, is confirmation that there are unmet needs which is reflected in escalating house prices.

Based on the current LDS, adoption of the Local Plan is anticipated to be in November 2026. This assumes that there are no soundness issues arising, and it progresses in accordance with the anticipated trajectory. Even based on this timetable, in accordance with NPPF, paragraph 78(c), since the adopted requirement will not exceed 80% of the most up to date local housing need figure, it will be necessary identify a supply of specific deliverable sites equivalent to 6 years from July 2026, and therefore before the plan is even adopted. Given these circumstances, and to reduce the risk of unplanned provision being made through the Appeals process, additional planned provision should be made through the current plan.

The omission site on Land off Monmouth Street, Topsham identified on the site location plan at Annex 1 to these representations, provides an immediately deliverable opportunity to escalate housing delivery in response to identified local needs and the Governments priority agenda. The site is in the ownership of the promoter, has been subject to detailed assessment, and a carefully conceived scheme of development prepared which will retain and deliver substantial green infrastructure for the local community (see preliminary development concept plan at Annex 2). The opportunity has already been subject to pre-application discussions with the Council, and a further pre-application submission is due to be made shortly which will identify how the site can be developed in a way that respects the sensitivities of its context. It is in a highly sustainable location, well integrated with the existing townscape, within walking distance of a good range of everyday facilities as well as the Railway Station with half hourly services to Exeter Central and St Davids Stations. It is likely that an application for full planning permission will be submitted during 2025 which will evidence the sustainability of this development opportunity, and ensure that it can be delivered quickly to meet the clear and evidenced imperative to escalate housing delivery to meet a compelling and urgent need for more homes.

The need is here and now, and prolonging the period during which the response to it is delayed, risks forcing increasing numbers to remain in unsuitable accommodation, or worse still, into homelessness. Where there are suitable, available and immediately deliverable opportunities, such as the site at issue, then it would be not be in accordance with precepts of good planning, and inconsistent with the Governments agenda to tackle the housing crisis through a step-change in housing delivery, to fail to allocate them in the current plan.

Modifications: Inclusion in Policy H2 as a 'predominantly residential site: major' of Land south of Monmouth Street, east of Bowling Green Road and west of Lower and Higher Shapter Streets, Topsham for up to 80 dwellings and green infrastructure, as identified on the site location plan at Annex 1 and illustrated by the preliminary development concept plan at Annex 2 to these representations.

Consequential amendments to the Policies Map.

Requested to attend examination?: Yes

Ref: C-31-MAPb

Representor: Salter Property Investments Ltd

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: No

Duty to Co-operate?: Yes

Comments: 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.

Modifications: Either:

A) Delete Policy NE1 which is a local landscape restraint designation that has no locus in current national policy and remove all designations from the Policies Map;

Or:

B) Amend Policy NE1 to be positively worded to permit development within the landscape setting areas unless it would cause severe and unacceptable harm; and

C) Amend the landscape setting designation to the south east of Topsham to remove the land between Monmouth Street, Bowling Green Road and Mount Howe that is also included within the Topsham Conservation Area.

Requested to attend examination?: Yes

Ref: C-33-MAP

Representor: Strongvox Homes

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Proposed Urban Boundary

The site is shown as falling within the proposed Urban Boundary. The site falls within the 'Strategic Gap' allocation on the current Local Plan Proposals Map which has not been carried forward on the new plan. The inclusion of the site and surrounding area within the Urban Boundary and the deletion of the 'strategic gap' is supported having regard to its sustainable location, the recent development in the area since the previous plan was adopted, and the limited contribution the site and the surrounding land make to the landscape setting of Topsham and Exeter.

Modifications: -

Requested to attend examination?: Yes

Ref: F-01-MAP

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: F-02-MAPa

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: Biodiversity Linkages Map

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: Para 6.3 states that the housing requirement for Exeter is 12,840 homes between 2021 and 2041. Existing permissions provide for 5289 homes. Policy H1 states that approximately 1006 homes will be provided on as yet unspecified windfall sites.

Policy H2 then covers the sites allocated for new housing development, to fulfill the remaining requirement. These sites include sites identified for minor development (31 homes); sites identified for major development (823 homes), plus other large scale sites (1321 homes) and strategic mixed use sites (3194 homes).

Exeter City Council estimates that these sites, together with the 2021-2024 completions, existing permissions, and windfall sites, provide an availability for 13975 homes (see Policy H1). This is 1495 homes in excess of the housing requirement. Exeter CC explains this headroom as *'...allow(ing) for choice and competition in the housing market and means that the Exeter Plan will be resilient to uncertainties such as a delay in developing a particular site or changes to housing needs or Government policy.... '*

However, we consider that **the Policies do not take account of NPPF (Dec 2023) paragraphs 103 to 106 (retention of open space, enhancing rights of way, community identification of Local Green Spaces which are demonstrably special to a local community and holding particular local significance), para 124a (new habitat creation), para 124b (recognition that some undeveloped land can perform functions for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production); para 124c (supporting opportunities to remediate despoiled, degraded, derelict, contaminated land), and para 136 (tree provision), in respect of the smaller allocated sites and windfall sites.**

Some of these, if they weren't developed for housing, but instead were enhanced with green infrastructure, could meet the following needs identified in the NPPF:

- provide physical and mental health benefits to the local population,
- enhance urban wildlife and biodiversity, and
- counter the urban heat effect associated with climate change.

Such sites can also act as important wildlife and biodiversity corridors as part of the biodiversity network.

While Policy NE6 allows for some green infrastructure to be provided on some of the allocated sites, that policy applies only to major development (10+ homes), and not to minor development and windfall sites, some of which

could be removed from the housing allocations list where local circumstances are in support of this. Removal of some of the major development sites themselves should also be considered where local circumstances favour this, without compromising the ability to meet the housing requirement.

Modifications: The Policies or the supporting text should contain words to the effect that Sites included for residential development will be those with no demonstrable local significance or no potential for improving adaptation or resilience to tackle climate change.

Requested to attend examination?: Yes

Ref: F-02-MAPb

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: Biodiversity Network Diagram

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: No

Comments: Water Framework Directive (WFD) (2017) [1] The environmental objectives of the WFD, summarised in the Environment Agency's River Basin Management Plans (RBMPs) are:

- To prevent deterioration of the status of surface waters and groundwater,
- To achieve objectives and standards for protected areas, and
- To aim to achieve good status for all water bodies or, for heavily modified water bodies and artificial water bodies, good ecological potential and good surface water chemical status.

These environmental objectives are legally binding, and all public bodies should have regard to these objectives when making decisions (such as Local Plan development) that could affect the quality of the water environment. The policies do not demonstrate how compliance with these environmental objectives in relation to chemical status will be demonstrated.

The Sustainability Appraisal [2] (P42) notes: [italic] "The Environment Agency classification for the estuary under the Water Framework Directive in 2020 is 'Moderate' for both ecological and chemical parameters. Issues preventing waters reaching 'Good' status and the contributing sectors can be summarised under growth, development and transport." [italic]

[bold] Policy CC9 and preamble paragraphs are not consistent with national planning policy NPPF para 7 (sustainable development) and 8c (environmental objectives) nor does the policy demonstrate how it will meet development needs or achieve the proactive approach asserted in para 5.39 - justified by the NPPF para 158. [italic] "mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change and water supply, biodiversity and landscapes." [italic] The Plan is deficient and so not effective as it does not set out a strategic policy for the handling of waste water in accordance with NPPF para 20b. Policy CC9 does not reflect the evidence and there is a lack of evidence to inform policies which would demonstrate how the plan meets the requirements of NPPF paras 7, 8c, 158 & 20b. [bold]

[bold] Context: [bold] Water quality, water quantity (flood/drought), climate resilience and enhancing biodiversity must be tackled strategically alongside development. Our water environment and systems are in crisis, with sewers overloaded, supply under threat in many parts of the country, many rivers over abstracted, flood risk increasing year on year from rivers and surface water, and a cocktail of pollution from housing, farming, sewage, chemicals, and more, degrading our water ecosystems. Exe Estuary has many important riverine and estuarine habitats: SSSI, SPA & Ramsar site.

Proactive Approach: Therefore the Local Plan should take a proactive approach to protecting and enhancing water systems and managing waste water, not least because the Exe runs through the heart of Exeter and runs through nitrate vulnerable zones downstream. Policy must ensure effective measures, such as those developed by the Environment Agency [3] are embedded to avoid harm to the wider water environment and build more water resilient communities and enhance biodiversity.

a. Preamble 5.43 takes a passive approach inconsistent with earlier paragraphs (emphasis mine); uncertain policy is not effective:

"5.43 There may be potential to deliver enhancements within the Valley Parks and landscape setting areas that help return Exeter's water bodies to good ecological status under the Water Environment Regulations."

b. The preamble does not draw on proportionate evidence to inform 'looking upstream' to demonstrate how the policy can be effective and deliverable. The Environment Agency sets out measures, which can be drawn on, to deliver relevant actions [4] to help achieve environmental objectives in the River Basin Management Plan. These should work in tandem with Biodiversity Net Gain and environmental land Management schemes and strategies, and catchment management plans to maximise effective delivery for nature. There are no mechanisms in the policy to enable delivery of enhancements.

Waterways role in biodiversity: The Biodiversity Network Plan presented as part of the Plan evidence does not recognise Exeter's waterways as contributing to the biodiversity network [5]. The approach to the policy looking Valley Parks and landscape setting in general terms to "help return Exeter's water bodies to good ecological status under the Water Environment Regulations" is not effective as it does not set out a strategic approach and actively supports the Local Nature Recovery Strategy, the a catchment based approach for the Exe [6] and the River Basin Management Plan as the strategic approaches to achieve the environmental targets.

Waste Water

The PPG provides guidance on all aspects of the water environment and emphasises the need for early discussion with water and sewerage companies so that growth can be reflected in their long-term water resources management plans so that adequate infrastructure will be in place when and where it is needed. The policy is also ineffective as it omits consideration on waste water despite the need to this being mentioned in the Sustainability Assessment [7] (P44 3.32) and referenced in the preamble. Strategic policy on wastewater should consider the sufficiency and capacity of wastewater infrastructure, considering circumstances where private treatment works may be accepted and considering the capacity of the environment to receive effluent from development without preventing relevant statutory objectives being met and achievement of biodiversity standards. There are also cross-boundary issues as the water supply and water quality issues in the Exe River catchment area can only be addressed in partnership with neighbouring authorities and other stakeholders.

Monitoring

The policy and para 5.43 *"Development proposals that support the return of Exeter's water bodies to good ecological status will be supported."* will not be able to demonstrate its effectiveness as no measurable indicators or targets are included in section S17. Understanding the targets will provide a clear basis for understanding if development proposals can be supported.

East Devon District Council is producing a Water Cycle Study. Given that Exeter and East Devon are working on Local PLans and are at similar stage it is reasonable to assume that such a study would an important part of the evidence base of the Exeter Local Plan to the Councils to work together to plan for sustainable growth. They

would be able to jointly identify any constraints on planned housing growth that may be imposed by the water cycle and how these can be resolved i.e. by ensuring that appropriate Water Services Infrastructure can be provided to support the proposed development, including the planning policy required to deliver it, ensure water quality, water supply and the management of waste water. Such a joint plan Exeter and East Devon New Growth Point Water Cycle Study Outline Study Report was produced in 2010 [9]

[Footnotes]

[1] [Embedded link: <https://www.legislation.gov.uk/ukxi/2017/407/regulation/13/made>]

[2] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733875391/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Habitats%20Regulations%20Assessment%20of%20the%20Exeter%20Plan%20-%20Publication%20Draft.pdf/wgrickznejuftwitysxl.pdf>]

[3] [Embedded link: <https://www.google.com/url?q=https://environment.data.gov.uk/catchment-planning/downloads/Summary%2520of%2520the%2520measures%2520planned%2520for%2520each%2520river%2520basin%2520district.xlsx&sa=D&source=docs&ust=1742907966312868&usg=AOvVaw2mlfvH7uT3yBHpkMkn10fw> (Downloadable excel file) https://www.google.com/url?q=https://environment.data.gov.uk/catchment-planning/downloads/Potential%2520additional%2520programmes%2520of%2520measures.xlsx&sa=D&source=docs&ust=1742907968376852&usg=AOvVaw0f5NS7iS6lytOok3_2OrLE]

[4] [Embedded link: <https://environment.data.gov.uk/catchment-planning/ManagementCatchment/3033/measures>]

[5] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733911946/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Biodiversity%20Linkages%20Map.pdf/zhjmwg4bdqistfvzcsi6.pdf>]

[6] [Embedded link: <https://catchmentbasedapproach.org/>]

[7] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733875412/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Sustainability%20Appraisal%20Report.pdf/flw8hjdvcy6gsgivokps.pdf>]

[9] [Embedded link: <https://exeter.gov.uk/media/1697/exeter-and-east-devon-water-study.pdf>]

Modifications: Amend policy CC9 (in bold)

[italic] "Development proposals that support the return of Exeter's water bodies to 'good' ecological [bold] and chemical [bold] status, and thereafter maintain that status, will be supported. Development proposals that harm the ecological [bold] and chemical [bold] status of any of Exeter's water bodies will not be supported." [italic]

Reason: to ensure compliance with the Water Framework Directive 2017.

[bold] Amend [bold] (additions in bold)

"5.39 Local planning authorities must adopt proactive strategies to adapt to climate change that take full account of water supply and demand considerations. Policy CC9 requires new development to contribute to reducing

water demand, ~~and~~ ~~improving water quality~~ **and effective waste water management and infrastructure.**" **[bold]**

Reason: To comply with the NPPF para 20 regarding strategic policies for waste water management

Amend "Development proposals that support the return of Exeter's water bodies to 'good' ecological **[bold]** and chemical **[bold]** status, and thereafter maintain that status, will be supported. Development proposals that harm the ecological **[bold]** and chemical **[bold]** status of any of Exeter's water bodies will not be supported."

Add new

Add new 5.45 and renumber following accordingly. **[bold]** "The Council will work in partnership with neighbouring authorities, other agencies and stakeholders on cross-boundary water supply, water quality issues in the Exe River catchment area and support the delivery of a catchment management plan, River Basin Management plan and the Local Nature Recovery Strategy." **[bold]**

Add (bold) to strategic policy "The City Council will work closely with South West Water and all other partners to help deliver the Drainage And Wastewater Management Plan and the Storm Overflow Action plan, **[bold]** a catchment management plan, River Basin Management plan and the Local Nature Recovery Strategy." **[bold]**

Insert new section Heading and preamble before 5.44 "Waste Water" to cover policy and strategic policy on wastewater as identified in the Sustainability appraisal and to comply with the NPPF 20 and the PPG.

Add 5.46 to improve effectiveness (i.e. address the deficiency of the policy) and enable deliverability of the Plans objectives in line with legislation and guidance:

[bold] "The sufficiency and capacity of wastewater infrastructure will be considered, including considering circumstances where private treatment works may be accepted. Development which demonstrates the capacity of the waste water infrastructure to receive and process effluent from development without preventing relevant statutory and which supports the achievement of ecological and chemical objectives and local environmental objectives being met shall be supported." **[bold]**

[bold] 5.47 The Council will work with South West Water and other agencies to identify suitable sites for new or enhanced waste water and water supply infrastructure. Development may be phased so that water and wastewater infrastructure will be in place when and where needed. The impact on designated sites of important biodiversity will be considered to ensure the required infrastructure is in place before any environmental effects occur." **[bold]**

[bold] Section 17 monitoring **[bold]**

This section should include indicators and targets in relation to CC9 monitoring of the ecological and chemical status of the water bodies within and downstream of Exeter in order to consider how development may not only be affecting but positively contributing to the achievement of good ecological status. The target for water bodies is to achieve Good Ecological Status by 2027 [8]. Without any monitoring there is now way of demonstrating that the policy and its impacts is effective.

Suggested wording:

[italic] Indicator: number of waterbodies within and downstream achieving good ecological and chemical status

Target: 100% of water bodies in Exeter achieving Good Ecological Status by 2027 and chemical status as soon

as possible.

Delivery mechanism: Exeter Local Plan, collaboration with stakeholders and partnerships and developers. *[italic]*

[Footnotes]

[8] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733875412/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Sustainability%20Appraisal%20Report.pdf/flw8hjdvcy6gsgivokps.pdf>]

Requested to attend examination?: Yes

Ref: F-02-MAPc

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: City Centre

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: Special attention is required, and not been shown, in this strategic policy in relation to listed buildings, heritage settings and conservation areas (as set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 (sections 66 and 72)) and the Area of Archaeological Importance.

The policy does not give regard to the Levelling Up and Regeneration Act 2023: "no negative harm to heritage duty to have 'special regard' to the desirability of preserving or enhancing designated heritage assets and the statutory status for Historic Environment Records (HERs) [1].

The Ancient Monuments and Archaeological Areas Act 1979 requires scheduled ancient monument consent for most works which will affect a scheduled monument but is not required for works that will affect its setting. So, given the heritage significance of the City Wall - where it is designated in both areas of archaeological significance (policy map) AND the brownfield site register and/or a strategic site (see earlier reference) - specific policy is required to address the matter of protecting and enhancing the setting of this heritage asset.

Exeter is one of only five such areas have ever been designated as an area of Archeological Importance. Sections 33-35, Ancient Monuments and Archaeological Areas Act, 1979 [2] The policies map [3] clearly identifies where the overlap of HH1 - Area Of Archaeological Importance, H3 - Regeneration Opportunity Areas and indeed H2 - Strategic Mixed-Use Brownfield Sites but the policy fails to demonstrate hoe such areas will be protected and treated in policy terms in these areas.

The policy is not consistent with NPPF policy (paras. 196 & 212 & glossary [4]) in relation to Exeter's protection, enhancement and setting of heritage assets, as many of the regeneration sites are in or partially in archaeological importance, nor is it consistent with the proposed heritage policies in section 11 of which the preamble clause 11.19 talks (emphasis mine) of "[bold] Heritage-led regeneration [bold] and the positive role that Exeter's heritage plays in local identity is a key factor in development."

Many of the Liveable Exeter sites are located in or near the city centre (see policies map [5]) which is an area of significant archaeological interest and enjoys many historic assets, not least the City Wall [6] (Scheduled Monument). Some of the heritage sites are on land which have been designated as Brownfield sites [7] and will be the focus of regeneration.

Water Lane: 151,861

East Gate: 145 609

Red Cow: 146 442
Exe Bridges Retail Park: 142 201
South Gate: 4681 [8]

Additionally Northgate is a regeneration opportunity area.

However their protection, enhancement and setting is not recognised in this strategic policy H3 and the policy does not use the supporting evidence to include a relevant policy measure, given the significance of the City's heritage.

The Heritage Impact Assessment evidence says LPA policy should "avoid harming the significance of both designated and non-designated heritage assets, including effects on their setting. At the same time, the allocation of sites for development may present opportunities for the significance of the historic environment to be better revealed and celebrated." (as set out in the supporting evidence) [9]

However no consideration has been given in the LP assessment of brownfield sites [10] of the impact of regeneration on heritage in the relevant areas as part of the local plan process, the approach is one of heritage impact assessment being undertaken in an approach where there is a presumption in favour of sustainable development unless that development does not meet the policies within the document which protect areas or assets of particular importance. This policy fails to offer that protection.

Furthermore the Heritage Impact assessment contains an appendix from Heritage England as follows:

"In order to ensure that the Plan will meet the NPPF tests of soundness (i.e. that it is effective, justified, deliverable and consistent with national policy) in relation to the historic environment, we recommend:

- A strategic evidence base relating to key views and settings, to inform design parameters (such as protected views, heights, densities, or layouts as appropriate) contained in policy criteria, and to inform detailed proposals and planning decisions. This could include views into, out of, and across Exeter including historically significant views (e.g. views of/from the Cathedral and City Walls) and the relationship between the historic city, its skyline and its landscape setting.
- Alternatively, a proportionate Heritage Impact Assessment of proposed site allocations, including consideration of the matters above (where relevant) to inform site capacities and policy criteria."

This report has not yet been published at this point in time, in order to inform design parameters and policy criteria. Work to consider these issues has begun and such a report is further recommended [11] In order to be justified and consistent with policy, H3 should therefore set out a policy in relation to the role of heritage in the regeneration opportunity areas.

[italic] To Note: It should be noted that the following Appendices to Exeter Brownfield Sites study [12] :

Strategic Brownfield Sites Study, LDA Design, January 2018 (Appendix A)

Brownfield Sites Visioning Study, LDA Design, September 2018 (Appendix B)

Liveable Exeter: A Housing Delivery Programme, Exeter City Council, March 2019 (Appendix C) listed in the introduction to the report were not included in the evidence base on the Councils Common Place web portal for the official consultation. I had to search out and access the appendices via East Devon Council planning portal for

the GESP [13], so I am not clear if these appendices to the report are considered evidence or not. Please see attachments. [italic]

[Footnotes]

[1] [Embedded link: https://www.legislation.gov.uk/ukpga/2023/55/pdfs/ukpga_20230055_en.pdf]

[2] www.HistoricEngland.org.uk/advice/hpg/has/archaeologicalimportance/

[3] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733698496/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Policies%20Map.pdf/xskho0urvbmjjgvow5ts.pdf>]

[4] NPPF glossary: "The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage assets physical presence, but also from its setting."

[5] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733698519/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Policies%20Map-City%20Centre.pdf/ck8pvo84mcd8hjkiw9t.pdf>]

[6] [Embedded link: <https://historicengland.org.uk/listing/the-list/list-entry/1003858>]

[7] [Embedded link: <https://exeter.gov.uk/planning-services/registers/brownfield-land-register/>]

[8] [Embedded link: <https://exeterplanpublication.commonplace.is/en-GB/proposals/strategic-mixed-use-brownfield-allocation-sba5-south-gate/step1>]

[9] [Embedded link: https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733964220/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Heritage%20Impact%20Assessment_upload.pdf/em3r04zfgnabkgeu0z4b.pdf]

[10] [Embedded link: <https://exeter.gov.uk/media/jgsjtbzu/2020-exeter-brownfield-sites-study.pdf>]

[11] [Embedded link: <https://historicengland.org.uk/content/docs/committees-panels/historic-places-panel-review-paper-exeter-sep24/>]

[12] [Embedded link: <https://exeter.gov.uk/media/jgsjtbzu/2020-exeter-brownfield-sites-study.pdf>]

[13] Planning websites - Brownfield Sites Report Appendix A.pdf - All Documents

Modifications: To set out a specific policy in relation to heritage in policy H3 (see below) in regeneration opportunity areas

Add

[italic] "f. positively protect and enhance, the significance of, a heritage site, monument or structure of National Archaeological importance or their setting. Development which causes harm will not be supported." [italic]

For the reasons describe above:

1. enable heritage led regeneration (policy in plan),
2. legal compliance
3. consistency with NPPF
4. appropriate response to LP evidence base.

Requested to attend examination?: Yes

Ref: F-02-MAPd

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: Exeter Biodiversity Network Map

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: [bold] Policy CC1 unsound: Effectiveness (deliverability). [bold]

The objective for this section and policy cannot be effective or delivered if it is not fully specified, so that developers know what they need to provide, and development management is able to check development proposals against unambiguous requirements. CC1 requires some amendment in this respect.

CC1a: the requirement for [italic]'...place specific solutions...' [italic] in this policy is imprecise and, as such, is not capable of delivery. The Plan needs to define place specific solutions by giving examples.

CC1b: "Minimising the need to travel and maximising walking, wheeling, cycling and public transport;" does not demonstrate how it accords with NPPF 108 d [1] as it fails to recognise the environmental impacts, mitigations and also gains in line with and NPPF 109 [2]. The significant reductions in greenhouse gas emissions required from transport in the city [3] & [4] will not simply be met by 'reducing the need to travel' and 'maximising journeys by walking, wheeling, cycling and public transport'. The policy should more specifically set out how it reduce greenhouse gas emissions from vehicles including reducing [italic] reliance [italic] on the private car [5] i.e. fear journey by private car (5,p16), and [italic] modal shift [italic] to public transport and active travel and public transport which require specific policy objectives and relevant infrastructure enabled through the planning system.

CC1c: "Applying a fabric first approach to maximise energy efficiency;" needs to be underpinned by development design that explicitly builds in [bold] demand reduction [bold] and [bold] energy efficiency ... demonstrable through a recognised standard [bold] [6] . Reducing energy consumption is an explicit goal of the Net Zero 2030 plan for the city [7] (part of ECCs evidence pack) 'Reduced Energy Consumption' [8] and set out in Liveable Exeter Principle 4 Liveable buildings. "Ensure buildings are energy efficient, adopt a fabric-first approach and apply high performance standards such as Passivhaus and whole-life carbon assessment;"

CC1f: "Applying the principles of the circular economy" - is a welcome policy, however these principles are not defined locally and government guidance [9] refers variously to waste and policy yet to be developed [10] so the wording is imprecise. The London Local plan policy [11] assists with a development of these ideas and clarification appropriate to the planning system.

CC1d: "Maximising renewable and low carbon energy generation" is an enabling policy. However demand reduction is omitted as a first principle in line with the Devon Carbon Plan [12] - which will drive the effective implementation of the fabric first approach. Demand reduction also reduces the need for infrastructure associated

with renewables and the grid.

CC1h: the requirement for [bold] '...landscape-led schemes...' [bold] in this policy is imprecise and, as such, is not capable of delivery. The Plan needs to define landscape-led schemes by giving examples and referencing relevant policies outwith the Local plan such as the Local Nature Recovery strategy.

CC1g: This Policy is about achieving net-zero. While the requirements about reducing flood risk may well be deliverable in themselves, it is difficult to see '...how they will support the achievement of net-zero...' (Policy CC1 line 3). This Chapter's objective is to "Make the fullest possible contribution to the mitigation of, and adaptation to, climate change working towards a net zero carbon city" - and the requirements in CC1g help to build resilience and aid adaptation when dealing with climate change: as such they are welcome, but detailed measures should be set out in Policy CC8.

[bold] Policy CC1 unsound: Consistency with National Policy (NPPF 2023) [bold]

CC1a: NPPF (2023) para 159b includes [bold] orientation [bold] as a relevant factor to be taken into account in Plan making but CC1a does not mention it. NPPF (2023) para 162b also includes [bold] orientation as well as landform and massing [bold] as factors to be taken into account when determining planning applications: again these are missing from Policy CC1a.

The NPPF at para 162b cites these features' usefulness in minimising energy consumption. This is not mentioned in Policy CC1 but should be as it is distinct from the Policies otherwise welcome reference to maximising energy efficiency, in CC1c, which is also - but separately - required by NPPF.

[Footnotes]

[1] [italic] "the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account " including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains;" [italic]

[2] [italic] ... through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. [italic]

[3] [Embedded link:

<https://committees.exeter.gov.uk/documents/s97276/1063%20v1.1%20Exeters%20greenhouse%20gas%20reporting%202024%20DRAFT.pdf>]

[4] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1664376971/projects/62bf1c11a56abd0b365a28db/media-upload/2021%20GHG%20Monitoring%20Report%20for%202019.pdf/blrdg12sxd1389a4iott.pdf>] - GHG monitoring report 2019 - part of the evidence base

[5] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1700219468/projects/62bf1c11a56abd0b365a28db/media-upload/Exeter%20Transport%20Strategy%202020-2030.pdf/beriw3bi16yldok9siz.pdf>] part of the evidence base

[6] [Embedded link: <https://ukgbc.org/wp-content/uploads/2024/07/Certifications.pdf>]

[7] Exeter Net Zero 2030 plan - [Embedded link: <https://res.cloudinary.com/commonplace-digital->

limited/image/upload/v1664191887/projects/62bf1c11a56abd0b365a28db/media-upload/2020%20Net%20Zero%20Exeter%202030%20Plan.pdf/fizlagwhbiegwzbx7esv.pdf]

[8] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1664191887/projects/62bf1c11a56abd0b365a28db/media-upload/2020%20Net%20Zero%20Exeter%202030%20Plan.pdf/fizlagwhbiegwzbx7esv.pdf>]

[9] [Embedded link: <https://www.gov.uk/government/publications/circular-economy-package-policy-statement/circular-economy-package-policy-statement>]

[10] [Embedded link: <https://www.gov.uk/government/groups/circular-economy-taskforce>]

[11] [Embedded link: https://www.london.gov.uk/sites/default/files/design_for_a_circular_economy_web_1.pdf]

[12] [Embedded link: <https://devonclimateemergency.org.uk/8-energy-supply/>]

Modifications: [bold] To improve effectiveness: [bold]

Add to introduction of policy wording: [italic] "New development is expected to incorporate sustainable design and construction principles of the highest environmental standards in order to reduce greenhouse gas emissions, conserve water, minimise waste and flood risk and enhance biodiversity, air and water quality." [italic]

Specify what is meant by [bold] "place specific solutions" [bold] in CC1 a (illustrating how the requirement will aid net zero) so that they can be delivered in development proposals.

Specify, within this policy, what is meant by [bold] "landscape-led schemes" [bold] (explaining how they contribute to net-zero, for instance in providing carbon sinks, nature recovery programmes and enhancing ecological networks) so that they can be delivered in development proposals. If they don't contribute to net-zero, but are able to aid resilience and adaptation, move the requirement to Policy CC7.

Demonstrate how delivery of CC1g would aid net -zero. And specify the If it doesn't do so, move the requirements into Policy CC8.

CC1b Reword policy to accord with NPPF (cited above above), for example: [italic] "Development proposals will be required to demonstrate how they will support the achievement of Net Zero by minimising the need for private car travel, and provide sustainable alternatives including public transport, reducing vehicle emissions through the use of zero emission vehicles, including buses, and providing and contributing to a wider good network of safe and accessible cycling, walking and wheeling routes and public transport. Travel Plans should include an assessment of the carbon and other transport related emissions." [italic]

6. [bold] Monitoring: [bold] To include in S17 monitoring relevant indicators, targets and approach to align with policies in CC1 an indicator and target for the reduction in congestion and greenhouse gas emissions from transport in the city by the end of the plan period. To be achieved in partnership with other authorities based on the Exeter Local Plan and the Local Transport Plan.

Add in bold [italic] "STC3: Supporting active travel" [italic] [bold] a target for 50% of trips within the city are being made on foot or by bike" [bold]

This will amend the target to prived a specific target which accords with the Local transport plan targets.

Amend CC1c. to include *"Reducing energy demand and [applying a fabric first approach to maximise energy efficiency] to a recognised energy efficiency standard."* *This will accord with Principle 4 Liveable buildings and enable the application of the relevant standard for domestic or commercial properties and enable an assessment of the effectiveness of this policy.*

Amend CCf: *"Applying the principles of the circular economy"* *add... [which 'prioritises retention and refurbishment over demolition and rebuilding. It means designing buildings that can be adapted, reconstructed and deconstructed to extend their life and that allow components and materials to be salvaged for reuse or recycling.'* *This addition specifies what is meant in regard to the circular economy, so will improve the effectiveness and deliverability of this policy.*

To improve consistency with National Policy:

Amend CC1a to read '*...Considering location, urban form, density, massing, landform, orientation...*'

Amend wording of either CC1a or CC1e to mention minimising energy demand and consumption.

Requested to attend examination?: Yes

Ref: F-02-MAPe

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: Proposed site allocations

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: Some of the policy measures outlined in the strategic policy are not consistent (not effective), weak (not justified) or vague (not effective), in supporting the policy goal set out in the preamble to the measures.

Clause a) [bold] Spatial strategy [bold]

Delivering on the [bold] spatial strategy [bold] by supporting development in locations which [italic] 'minimise the need to travel' [italic] does not consider NPPF para 108 in the round; and is vague e.g. minimise whose need to travel? and could undermine other policies in the Plan (e.g. health and activity).

The emphasis on the spatial strategy on brownfield sites first is a focus for new development that intensifies development and provides for. and attracts large numbers of people in the city centre (wider) area where active travel is easier [1]. This reduces the need for [underline] private motorised car use and trip length, [underline] co-location of facilities is possible, highway routes can be safeguarded and connections to public transport are easier. The adopted approach to implementing the spatial strategy should, however, more explicitly define as a policy principle, the [italic] Avoid-Shift-Improve [italic] [2] approach for integrated, inter-modal and balanced approaches to achieve sustainable, low carbon travel and transport. This approach is shown to be effective in reducing carbon emissions [3].

The policy and spatial strategy does not recognise or address the [bold] risk of transport related social exclusion [bold] which is a limit on the sustainable and inclusive growth of the city and effectiveness of policy STC 1 and the Liveable Exeter principles. [italic] "Transport-related social exclusion (TRSE) means that transport issues have a fundamental impact on everyday life and limit the ability to fulfil everyday needs. This could mean being unable to access childcare or good job opportunities, facing poverty and financial hardship because of transport costs, or facing significant stress and anxiety from using the transport system as part of everyday life. [4]". [italic]

[Exeter Plan Allocations Map]

A comparison can be made between the Exeter Plan spatial map and map showing the transport related social exclusion risk in Exeter. The policy set out in b) is modified by 'where appropriate' which undermines the overarching policy, meaning these areas are likely to remain excluded as there will be a reduced expectation to provide the appropriate measures set out in b.

[TRSE risk within Local Authority Districts Map]

A few of the areas in these strategic sites and HEELA overlay with these areas of TRSE, for example Topsham near the M5 (sites 91-94 for instance) which has [italic] "TRSE in this neighbourhood is [bold] 102% above [bold] the average for Exeter. This is based on access to key destinations, transport inequalities, and vulnerability to social exclusion. Compared with [bold] Exeter as a whole, this neighbourhood has:[bold] Access challenges: 78% above average [5]" [italic]

A number of areas which have also been approved for development and included in the housing supply numbers, but are yet to be developed are in other high risk areas including land in Beacon Heath/Mincinglake (red area to North) and land surrounding Exwick to the West.

The policy should therefore place an emphasis on enabling transport inclusion in the design and delivery of transport and travel plans and infrastructure and connection to key services such as schools. For example the proposed bus routes in policy STC4 are all linear into and out of the city.

There is no orbital route around the city which for example might connect Exwick to West Exe School and many areas to St James School or the employment area at Pynes Hill. Travelling in and out of the city on more than one bus is prohibitive.

It is noted that paragraph (e) [bold] public transport network [bold]

- is doubtful that it is effective as it cannot be achieved by the city council, since there are no realistic planning / development demonstrated in the policy. Achievement can only be delivered by the bus and rail operators, the local transport authority (Devon CC). The Councils have a track record of failure to cooperate in this regard in relation to the development and delivery of the BSIP. For instance the planned improvements to bus lanes have failed to be delivered.
- This clause is weak with a lack of focus on improving the bus infrastructure for example shift to Electric buses and improving bus shelter and information systems to improve the user experience and development of services in areas of spatial exclusion.
- There is no mention of the importance of integration between public transport modes and enhancing infrastructure to improve access for instance supporting disability access at St Thomas or Polsloe stations and improving infrastructure at bus/rail interchanges.
- Exeter is the epicentre of a significant travel to work area, however this is not mentioned in the strategic policy, it just mentions 'key destinations' through the day'. Explicit reference is required for a coherent and integrated public transport plan to enable resilient mass transit and link and rider in order to reduce burdens on the highways networks as a result of development within and beyond the city.

The policy does not mention a coherent and coordinated approach to parking management across the city, only in relation to individual developments. Currently there are different tariffs and parking management zones and approaches to parking management across the city which on the current basis will undermine the strategic policy objective of STC1. Such an approach would accord with NPPF para. 111

Development and delivery of the BSIP as the two Councils have failed to work effectively together to deliver the plan to date.

[Footnotes]

[1] [Embedded link: <https://exeter.gov.uk/media/ltmlcaww/2016-future-of-transport-scenario-planning-workshops.pdf>]

[2] [Embedded link: <https://slocat.net/>]

[3] [Embedded link: https://unfccc.int/sites/default/files/resource/202202251552---SLOCAT%20Transport%20and%20Climate%20Change%20Global%20Status%20Report_Global%20Overview.pdf]

[4] [Embedded link: <https://data.transportforthenorth.com/portal/apps/storymaps/stories/f9763ffd85544332b84fc48aa0e9b0b4>]

[5] [Embedded link: <https://data.transportforthenorth.com/portal/apps/dashboards/8f9bd18c92c94bb3bee01ed9f2f66f77>]

Modifications: Amend (amendments in bold) to improve soundness and deliverability of policy objectives:

- a. Delivering on the spatial strategy by supporting development in locations which [bold] minimise the need for travel in particular motorised trips based on proximity and accessibility to facilities, services and employment, enable a modal shift to public transport and active travel and improve the infrastructure and efficiency of transport modes and routes. [bold]
- b. Supporting the transport hierarchy by maximising walking, cycling, wheeling and public transport for the majority of everyday journeys and enabling low-car development [strikethrough] where appropriate [strikethrough];
- c.
- d. Supporting a healthy, active city [bold] and reduces transport related social exclusion [bold] through the transport hierarchy by delivering a prioritised and integrated network of active, inclusive travel links to provide coherent, direct, safe, comfortable and attractive routes for walking, cycling, wheeling, [bold] public transport [bold] and emerging modes;
- e. Achieving a reliable, low carbon, frequent and attractive standard of public transport within the city, to [strikethrough] and to key [strikethrough] [bold] destinations elsewhere beyond the city and [form part of a wider Link and Ride/Devon Metro service] [bold] throughout the day;

Add to improve soundness and deliverability of policy objectives:

[bold] k. achieve a consistent and coherent approach to parking management across the city. [bold]

Requested to attend examination?: -

Ref: G-01-MAP

Representor: Andrew McNinch

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: I spent 4 years of my childhood in Exton in the 1950s and remember Topsham from those days. After many years away I returned to Devon (Woodbury) with my wife and family and, in 1986, we came to Topsham where we remain. We love the town and surrounding countryside. I never forget how fortunate I am to have the river views, fields, trees and nature all around me - I have made full use of them myself and, as an RSPB volunteer pre-COVID, I enjoyed introducing adults and children to birdwatching.

Access to nature in any way is hugely beneficial to us in many ways - it is proven scientifically and was especially apparent during COVID. We need nature and, threatened in so many ways as it is, nature needs us. Working for the RSPB I met so many people who enjoyed watching the birds, learning about them, drawing them etc, finding that many had come long distances to experience Topsham's birds from the hide or a birdwatching cruise, and enjoy the town itself. But I particularly enjoyed meeting those, particularly children and teenagers, who came to the hide simply out of curiosity but expressing no particular interest in birds or nature - if they looked through my telescope at a common migrant bird like a widgeon and learned that it was a winter visitor from Scandinavia, or a bar-tailed godwit and learned that some of the same species nest in Alaska and fly non-stop, day & night over the sea (without landing, feeding or drinking) for 18,000 miles to New Zealand, they can barely believe it. They might be lucky and see hundreds of birds in front of the hide suddenly all take off as one, as if a shot has been fired - and perhaps see the peregrine falcon fly through the panicked birds; or I could focus them onto a group of waders apparently sleeping 20 yards away, pointing out that each bird opens an eye at regular intervals and turns a little to one side or the other to scan for danger from the sky or land. Or they might see fox cubs under the railways embankment or an otter in the gully across the field. These moments can trigger an interest which can become long-term and life enhancing.

This small area of land which is threatened with development is a really important site for nature of all sorts - birds, butterflies, insects, trees - and a peaceful area for people to encounter and enjoy it. I think it would be tragic, for nature and for the many people who enjoy it every day, for it to be lost under development.

Modifications: -

Requested to attend examination?: -

Ref: G-03-MAP

Representor: Chris Setter

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: LP21 Adjoining the nationally important bowling Green Marsh Nature Reserve. Particularly given its elevation and disturbance could affect the water and waterside birds use of the marsh as a high tide refuse. For detailed advice please consult the RSPB.

Modifications: -

Requested to attend examination?: No

Ref: G-04-MAP

Representor: Denise Foudy

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: Re 4 (a)

I support Policy NE1: Landscape setting (Strategic policy) particularly in relation to the setting of Topsham and in relation to 'Land parcel number LP21, part of which is known locally as Mays Field, and part is the Goat Walk open space.

We have only lived in Topsham for a year, and we really appreciate being able to walk from our house to such a pleasant space and being able to walk our dog without having to get in the car and drive somewhere suitable. It was one of the amenities that attracted us to Topsham and as we start thinking about retirement and getting older, we would be very sorry to lose this.

As we have got to know Topsham and Exeter, we have been very impressed by the number of housing developments that have been fitted into the area in recent years. The council has done an excellent job in providing much needed new housing. They seem for the most part to be settlements in their own right and not abutting already dense housing areas such as we have in Topsham, and they are attractive in their locations.

Land parcel LP21 does not seem to us to be such a space. The well thought out Landscape setting policy is the right policy to apply to this location. Aside from the already dense housing in and around Topsham adding further housing would seriously stress and already fragile and less than optimal road system. Like Monmouth Street, where we live, Bowling Green Road is a narrow lane which struggles to accommodate the current traffic and would be unsuitable for two-way traffic. It is also very busy with walkers, runners, joggers and cyclists, both locals exercising or commuting using the Exe trail which is accessed from Bowling Green Road, and day visitors which Topsham attracts all year round due to the birds at the sanctuary in the winter months. It is up and down that road to access the Exe estuary cycle path, the beautiful and tranquil views across the nature reserve, the quiet hedgerows along the road and the community fields at the bottom designated for dog walking and a dog-free area.

It would be potentially rather dangerous, and it feels that such a development would present risks to locals, visitors and wildlife as well as the local environment generally simply from the extra traffic alone. Possibly accepting a proposal to build on LP21 would expose the council to risks to both from defending appeals to any permissions granted and from any future litigants who might be seriously adversely injured or affected by the increased traffic.

For the reasons outlined above.

Unfortunately, I heard about this somewhat late in the day so have not had the opportunity to investigate any further at this stage (it's 23:30 On the final day for submissions).

Modifications: -

Requested to attend examination?: -

Ref: G-06-MAP

Representor: Elizabeth Anderson

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: I support Policy NE1: Landscape setting (Strategic policy) , and am commenting on Land parcel number LP21 in Topsham which I am particularly familiar with (part of which is known locally as Mays Field, and part is the Goat Walk open space).

For many years (we have lived here for over 21 years) there was access to Mays Field so that you could walk from Lower Shapter Street to the top of Monmouth Street, but a few years ago this was blocked off. More recently there have been applications to build on the land, which have been rejected – but I understand that the owners of Mays Field are still hopeful to build properties on the land. Access to this land is either via Monmouth Street which is a narrow lane which is part of the Route 2 cycle path, or Lower Shapter Street. Monmouth Street is already busy with cyclists and walkers (of all ages) – and barely copes with the existing local traffic. Lower Shapter Street is even narrower with no passing places so it would be difficult to have access through that route.

Modifications: -

Requested to attend examination?: -

Ref: G-07-MAP

Representor: Emma Jackson

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: I support Policy NE1: Landscape setting (Strategic Policy), especially in regard to the Land Parcel LP21 in Topsham which is in grave danger of development. This land is known in Topsham as May's Field and it abuts the Goat Walk open spaces. The area between the Goat Walk, Riversmeet, Bowling Green Road and Monmouth Street should be protected – much of it is owned by the community, but May's Field is owned by a Developer who is itching to develop it. This must not be permitted to happen. The area is outstandingly beautiful, quiet and rural. It is visited by people all over the country who come to take part in bird-watching – there is a reserve nearby. The land can be viewed from the estuary and is part of the beautiful natural landscape of the Exe Estuary. Over the decades we have seen Topsham developed at its edges – but to develop a field within the quietest and most rural part of the town would be criminal. We have a responsibility to preserve these precious pockets of land – developments are forever, they can't be pulled down, the devastation will be permanent. I ask that these landscape settings like LP21 are left alone and I support any policy to do so.

It is dismaying to know that four housing proposals have already been submitted and got as far as an appeal stage. Thankfully, they were dismissed at appeal. They must continue to be dismissed. The community of Topsham has purchased the two nearby fields adjoining Bowling Green Road to preserve them from development. May's Field must also be protected.

The Land Parcel LP21 is entirely unfit for development – there is a single-carriageway quiet lane to the site, hardly suitable for heavy vehicles or traffic. A development would devastate the natural environment around the site, particularly in the hedgerows along the quiet lane. The traffic would be far too much for Elm Grove Road, spilling out onto Topsham Road which already cannot cope with the increased traffic from recent developments. These developments on the outskirts, in fact, make a development of May's Field complete unnecessary.

The area is frequented by people at all ages and stages, cycling and walking, and Route 2 passes right by May's Field. An increase in vehicle traffic – especially traffic from residents in a new housing estate – would be unacceptable and extremely dangerous to children who cycle and scoot along the quiet lane.

If May's Field is not protected from development (of any kind) it will be devastating for the rural landscape character of this part of Topsham which has special qualities and features along the Exe Estuary and which provides a beautiful, healthy, rural and undeveloped backdrop to the town.

Modifications: -

Requested to attend examination?: -

Ref: G-09-MAP

Representor: Erin Dunsford

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: I support Policy NE1: Landscape setting (Strategic policy) particularly in relation to the setting of Topsham and in relation to 'Land parcel number LP21', part of which is known locally as Mays Field.

I am writing to express my serious concern regarding any proposed development in this area, in particular:

- Due to its location by a vital area for walking, cycling, running and other recreational use which is used by locals and visitors of all ages and abilities. It is used by me every day and is my only source of exercise.
- The addition of further traffic to this area would undeniably jeopardise this recreational use and also add to the level of danger that pedestrians here already face due to the narrow bridge crossing and high volume of cars.
- The location is adjacent to the crucial RSPB reserve. Any development in this area would undeniably disrupt the natural wildlife that is already being encroached on.
- The area is next to Topsham's historic district and any development would alter forever the character of this area.

I urge you to consider these factors and support policies that protect our community spaces and our natural environment.

Modifications: -

Requested to attend examination?: -

Ref: G-12-MAP

Representor: Ian Maxted

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: Yes

Comments: I am not an expert in planning law, just a local resident. The planning map in the Matford Lane area appears to be inaccurate and misleading.

There is a large area of land fronting Matford Lane which is not shown as green space and which completely surrounds the proposed site for residential development. Until the building of the temporary offices in the 1960s the entire area had been open space as far back as records extend. From at least 1905 to the 1960s a public footpath passed diagonally across the site, directly through the site of the temporary offices. When demolition took place it was stated that the area would revert to green space. The footprint of the recently demolished Matford Lane huts is far smaller than the area proposed for residential development of 21 units which will encroach on existing green space with two listed mature trees. I am also submitting copies of relevant area of the Exeter plan map and the site as it is. I have also marked on the location of the two listed trees and footpaths, including the community paths through the woodlands and the former path from Matford Lane to Coaver to show that the entire green space has been enjoyed for many years by local residents.

I have no idea whether Exeter City Council has “engaged constructively, actively and on an ongoing basis with other Councils, Government Agencies and other required organisations” and this is all up in the air anyway with impending unitary status. I do suspect that the appearance of this distinctively shaped space on the Exeter plan has something to do with Devon County Council’s hopes to sell a similarly shaped brown site asset in the same location. If so, it is an elegant piece of constructive engagement.

Modifications: As I am not expert in planning law I cannot make any informed legally compliant proposals. I will be making some comments and suggestions which seem reasonable to me as a citizen of Exeter.

The existing green space should be fully recorded on the plan and the residential development relocated to a site between County Hall and Topsham Road. This is separated from the rest of the green space at County Hall by a wall and there should be sufficient space for 18 residential units plus parking if there are only two floors, more if there are three or four. Perhaps some of brown field space could become a boules pitch and/or a children’s play area. This could also have a positive relationship to NE4 (Green infrastructure), NE6 (Urban greening factor), NE7 (Urban tree canopy). The existing green space should be fully recorded on the plan and the residential development relocated to a site between County Hall and Topsham Road. This is separated from the rest of the green space at County Hall by a wall and there should be sufficient space for 18 residential units plus parking if there are only two floors, more if there are three or four. Perhaps some of brown field space could become a boules pitch and/or a children’s play area. This could also have a positive relationship to NE4 (Green

infrastructure), NE6 (Urban greening factor), NE7 (Urban tree canopy cover) and HW2 Health and wellbeing, but I do not propose to make separate submissions under these headings.

Requested to attend examination?: No

Ref: G-13-MAP

Representor: Jennifer Martin

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: We are in support of the policy NE1 in relation to the Land Parcel LP21 We wish to register our deep concern of any proposed development of the area. We have lived in Monmouth Street for 35+ years and wish to protect the area by maintaining the landscape for future generations to enjoy.

Below the list of some of our other areas of concern.

1. Additional traffic is an obvious outcome and this would cause more noise, risk of accidents to walkers and cyclists, congestion and air pollution.
2. Loss of green space. Topsham has had a huge amount of green space built upon in the last 5 years. The loss of hedgerows and fields being highly detrimental to wildlife and the ecosystem.
3. Risk of flooding. In September 2023 several houses in Monmouth Street were badly flooded when rain water flowed down the street. More concrete coverage in the area would increase the probability of this happening again and again.
4. Noise. LP21 borders on a flood plain and an important RSPB reserve. The increase in noise and light pollution is highly likely to have a detrimental effect on the bird life and in turn spoil the recreational enjoyment for locals and visitors.
5. Well being and mental health. Many people use the area to exercise and socialise. Whether it be running, cycling or just walking and chatting these are important ways in maintaining a healthy sociable lifestyle and should not be underestimated. There are very few places left in and Topsham with the environment to do this. Thank you for giving us the opportunity to give our views on the future of a very special area that in our opinion should be treated sympathetically.

Thank you for giving us the opportunity to give our views on the future of a very special area that in our opinion should be treated sympathetically.

Modifications: -

Requested to attend examination?: -

Ref: G-16-MAP

Representor: Jon Worsley (Devon and Somerset Fire and Rescue Service)

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: G-17-MAP

Representor: Justine Stott

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: I live in Topsham and support this Policy to protect valued landscapes including the areas around Exeter which give Exeter a distinctive character and cultural identity, and (with reference to paragraph 10.5) I concur with the comments made in the Exeter Landscape Sensitivity Assessment for Land Parcel LP21.

The plot is sandwiched between the Clyst and Exe estuaries, a RAMSAR site and with an RSPB nature reserve. These estuaries are a haven for overwintering birds, who fly over LP21 between the estuaries daily with each change in the tide in order to feed. The Clyst here is also home to a family of otters. Plot LP21 is permanent home to woodpeckers, firecrests and nuthatch to name but a few. Building on this land would cause massive disruption to wildlife.

Additionally, many trees around the edge of the site show characteristics of temperate rainforest, hosting epiphytes and bryophytes, supporting a rich assemblage of species. As DEFRA spokesperson Emma Gatten once said 'Temperate rainforests are globally important and highly biodiverse habitats. DEFRA is committed to expanding and protecting them.'

The main access road to LP21 would be Elm Grove Road which is mainly single carriageway and includes a narrow railway bridge.

The roads bordering the plot are used by a large numbers residents of and visitors to Topsham walking the estuary loop, running, cycling, bird-watching and dog-walking. These roads are single track with no footpath, nor potential to create a footpath. Monmouth Street in particular regularly becomes blocked. Any housing development in LP21 would cause danger to pedestrians and the increased traffic flow would create massive congestion.

This land parcel lies in Topsham Conservation Area which includes many Grade 2 listed properties.

It is highly likely that views around the plot and the rooflines of a development would affect the character of this heritage area.

For the above reasons, approval of any property development on LP21 would be inappropriate and, in my view, contrary to Strategic Policy NE1 Landscape setting areas (Strategic policy). Therefore I would urge you to please reject any such applications to build additional properties within LP21.

Modifications: -

Requested to attend examination?: -

Ref: G-18-MAP

Representor: Kiriana Lewis

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: -

Duty to Co-operate?: -

Comments: I support Policy NE1: Landscape setting (Strategic policy) particularly in relation to the setting of Topsham and in relation to 'Land parcel number LP21, part of which is known locally as Mays Field, and part is the Goat Walk open space. It would not only be dangerous but also detrimental to the local environment and population to develop Mays Field with all the extra traffic that would cause as well as destroying the green landscape.

The area is already borderline dangerous for the many walkers and cyclists just with the limited traffic in the area as it stands; the Monmouth St, Bowling Green Marsh and Elm Grove road cannot facilitate the current number of road users without putting lives at risk as it is. Roads are not wide enough, the railway bridge is limiting and narrow. It is already too congested for road users and cyclists to move freely with pedestrians. With large deliveries, couriers and sat nav issues the area is beyond over capacity. Use of the route 2 cycle path is dangerous for children for this reason.

The green area around the proposed site is extremely well used by those looking to get out into nature. Dog walkers, foragers, walkers, cyclists and not least bird watchers take huge respite in having the space and greenery around them. The bird hide, work of the RSPB and draw of such varied and plentiful bird life should be a huge part of consideration.

The whole area being conservation area is such for a reason. As residents every tree we prune, every building improvement we make is considered due to the respect of the historical and protected nature of the area as well. A development like this would hugely underestimate this.

Please consider preserving this small space, a small area of greenery thriving with wildlife in an area of significant historical importance that can't accommodate any further development, traffic or users.

Modifications: -

Requested to attend examination?: -

Ref: G-20-MAP

Representor: Mark Stott

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: I am a Topsham resident and support this Policy to protect valued landscapes including the areas around Exeter which give Exeter a distinctive character and cultural identity, and (with reference to paragraph 10.5) I concur with the comments made in the Exeter Landscape Sensitivity Assessment for Land Parcel LP21.

This land parcel lies in Topsham Conservation Area which includes fine Grade 2 houses, and is also in close proximity to the Exe Estuary RAMSAR site and RSPB nature reserve. It has significant recreational use by a large numbers residents of & visitors to Topsham (for activities including walking, running, cycling, bird-watching and dog-walking).

I live on the boundary of LP21. There is speculation that the owners of a part of LP21 known locally as "Mays Field" are considering an application for development of Mays Field. This would be inappropriate for a numbers of reasons:

-The surrounding roads of Bowling Green Road and Monmouth Street are tight single carriageway routes and are used heavily by pedestrians of all ages; those roads are also part of the loop around LP21 for visitors. The roads already struggle to accommodate vehicular traffic and Monmouth Street in particular regularly becomes blocked. Any housing development in LP21 would cause danger to pedestrians and create traffic havoc.

-The main access road to LP21 would be Elm Grove Road – this too is largely single carriageway and includes a narrow railway bridge – increased vehicle flows would create unacceptable congestion.

-As a consequence of the above points, visitor numbers are likely decline, thereby having a negative impact of the local Topsham economy. Furthermore, it would inhibit people trying to connect with the natural environment which would be adverse to both physical and mental health.

-LP21 is home to a wide variety of wildlife of national interest including birds (hence the presence of the RSPB nature reserve), animals (eg. otters), insects and flora/hedgerows – some of which quite rare. Any development would cause irreparable damage to the environment and have a detrimental impact on the eco-system.

-Risk of spoiling views into & around the area and the skylines/ & ridgelines.

-As LP21 lies within the Conservation Area, any development would have ruinous consequences for the heritage and character of Topsham and hence Exeter.

-Any significant building development within LP21 would cause horrendous disruption on the roads into & out of the area.

For the above reasons, approval of any property development on LP21 would be inappropriate and, in my view, contrary to Strategic Policy NE1 Landscape setting areas (Strategic policy). Therefore I would urge you to please reject any such applications to build additional properties within LP21.

Modifications: -

Requested to attend examination?: -

Ref: G-22-MAP

Representor: Neil Parsley

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: No

Comments: Opposition to proposed construction of a Heat Exchange Plant near the river Exe, Exeter Canal & Belle Island which will adversely affect this area & Belle Island (see my email to ECC Planning dated 3/1/25 which provides my reasoning for my & lots of other resident's opposition to ECC's proposals).

Modifications: My understanding is that ECC are proposing to sell 4.5 acres for a new heat exchange plant for Exeter city centre. This will have a terrible impact on Belle Island & be exceptionally disruptive to the green spaces adjacent to the river Exe & the Exeter canal, especially when installing the infrastructure necessary to run this plant & heat exchanger. With the current development of the Deaf School site into housing, this area is becoming more densely populated & the proposals to build a renewable energy heat exchanger plant adjacent to Belle Island will be even more damaging to the environment & increase the traffic congestion along Topsham Road which already seems like one of Exeter's largest car parks for several hours each day.

Before any further proposals are considered it is essential that the vehicular congestion in this area should be dramatically reduced for the welfare of our current & future generations. This should start with a detailed study of the traffic emissions along Topsham Road & other arterial roads in Exeter. It is also crucial that scientists publish a study of the potential emissions from this heat exchange plant which will increase the pollution in this area? If it is essential to build a renewable energy heat exchanger plant, why can't it be constructed on existing industrial brownfield sites or in one of the many empty warehouses in Marsh Barton. Belle Isle is a greenfield site with lots of wildlife habitats that must be preserved for future generations to enjoy.

As one of a number of residents of Feltrim Ave & Rivermead Road, I will oppose all proposals to construct a renewable energy heat exchanger or any other housing development on this greenfield site at Belle Isle & will mobilize the residents & politicians in this area to fight these proposals to build on this beautiful greenfield site adjacent to the River Exe.

Please can you forward this email to all members of the ECC Planning Committees & also to the ECC & DCC Councillors in the St Leonard's & Topsham Road areas?

Requested to attend examination?: Yes

Ref: G-23-MAP

Representor: Paul Hicks

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: I support Policy NE1: Landscape setting (Strategic policy) particularly in relation to the setting of Topsham and in relation to 'Land parcel number LP21, part of which is known locally as Mays Field, and is part of the Goat Walk open space.

We have lived in Monmouth St for 32 years and raised a family here and Mays Field has been an under used resource for the whole of that time. The area could be a wonderful amenity area and yet has been closed off with access forbidden by a variety of owners, all of whom have desires on the land for major development.

The area around Mays Field is used by many people from Topsham, Exeter and outside the area for recreational use to include bird watching walking running and cycling and is a haven for wildlife of every sort . With the massive increase in development around the outskirts of Topsham Mays Field needs to be protected now more than ever before.

The access to the land is over a small residential road with various vehicular pinch points via a narrow and possibly weak railway bridge into an area with narrow roads without any pedestrian pavements and this has been recognized by ECC planners who have turned down development at least 4 times. The City Council have committed to providing excellent cycling facilities around the area and this has been welcomed by locals and has encouraged a more healthy and active lifestyle for Exeter, Exmouth and Topsham residents alike helping to fulfil the plan's objectives. The existing amount of traffic in the area can be a problem and any increase would affect the ability of the wider public to enjoy this.

The two fields adjoining Bowling Green Road were acquired by the community and are now firmly protected from development and this has provided a wonderful asset for the people of Exeter however, the owners of Mays Field remain hopeful that planning permission might be granted, despite the Landscape setting policy and the inadequate road system.

I support keeping Mays Field being free of any development and being used by the local and wider community for recreational purposes and support the Exeter Plan.

Modifications: -

Requested to attend examination?: No

Ref: G-25-MAP

Representor: Peter Mills

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: I support Policy NE1: Landscape setting (Strategic policy) - particularly in relation to the setting of Topsham and in relation to 'Land parcel number LP21', part of which is known locally as May's Field.

I am writing to express my serious concern regarding any proposed development in this area, in particular:

- Due to its location as and by a vital area for walking, cycling, running and other recreational use, which is in constant use by locals and visitors of all ages and abilities.
- Because the addition of further traffic to this area would jeopardise this recreational use and make it unsafe and unpleasant for pedestrians and cyclists.
- Because the location is adjacent to the nationally important RSPB reserve. Any development in this area would disrupt the natural ecosystems in place in this and surrounding areas.
- As the area is next to Topsham's historic district and any further modern development here would damage the historic character of this area.

I urge you to consider these factors and support policies that protect our community spaces and our natural environment. Thank you for your attention to this important matter.

Modifications: -

Requested to attend examination?: -

Ref: G-27-MAP

Representor: Rebecca Batchelor

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: I support Policy NE1: Landscape setting (Strategic policy) particularly in relation to the setting of Topsham and in relation to 'Land parcel number LP21, part of which is known locally as Mays Field, and part is the Goat Walk open space. We have lived in Topsham for 17 years; when our children were younger, we were able to walk into Mays' Field and pick blackberries until the entrance was permanently closed to the public. There were often people walking dogs and generally enjoying the unspoilt space there.

Land parcel LP21 is attractive to speculative developers. There have been at least 4 housing proposals for Land parcel number LP21, all of which were dismissed on Appeal. The two fields adjoining Bowling Green Road were acquired by the community and are now firmly protected from development. However, the owners of Mays Field remain hopeful that planning permission might be granted, despite the Landscape setting policy and the inadequate road system. Bowling Green Road is a narrow lane which cannot take two way traffic. People of all ages and abilities frequently walk, run and cycle up and down that road to access the Exe estuary cycle path, the beautiful and tranquil views across the nature reserve, the quiet hedgerows along the road and the community fields at the bottom designated for dog walking and a dog-free area. It would be extremely dangerous and detrimental to the local environment and population to develop Mays Field with all the extra traffic that would cause.

Modifications: -

Requested to attend examination?: -

Ref: G-30-MAP

Representor: Rosemary Johnson

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: I support policy NE 1: landscape setting (strategic policy), particularly in relation to Topsham and especially LP21. This is known locally as May's field and was for many years enjoyed as an open space for walking and enjoying the natural environment. It has more recently been closed off to the public, but still borders the only remaining area of natural land which remains in Topsham (Bowling green Marsh area (RSPB reserve). The walking/cycle route along Bowling Green Lane is enjoyed by many people and its development would be a massive loss to those in Topsham, Exeter and to the many visitors from further afield who enjoy the peace, beauty and natural biodiversity which this green space provides.

As mentioned above, LP21 borders the RSPB Nature reserve. This is of international significance and development would undoubtedly impact the waders, waterfowl and many other birds and animals which live in and visit this area.

There are already significant problems with parking in the area: the roads around LP 21 are narrow and very unsuitable for carrying a greater weight of traffic. Many people use the area recreationally, pushing babies in pushchairs, cycling, walking, running and exercising dogs. The proposed development also parallels the award-winning Cycle path (Route 2), which currently attracts many visitors to Topsham. Additional traffic in the area would pose a significant risk to the many people already using it. To widen the road would destroy the hedgerow habitats of many small mammals and nesting areas for birds and would change the nature of the area beyond all recognition, as well as destroying access to the only natural, undeveloped area of green space which now remains in Topsham following recent property development to the north of Topsham.

Perhaps not entirely relevant to the Exeter plan, but of consideration is that sewage system would be unable to take any more load. As is well known, it is barely able to cope with the excessive demands which have been placed on it due to the significant number of local housing developments on Clyst Road, Topsham Road and Newcourt Road; additional development will further threaten the water quality of the Exe, thereby impacting river and marine life, and currently flourishing estuary birdlife.

Modifications: -

Requested to attend examination?: -

Ref: G-33-MAP

Representor: Tim and Bronwen Oldridge

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: We are Topsham residents and support Exeter Council Policy NE1 - Landscape setting (Strategic Policy) and the protection confers on valued landscapes including the areas which give Exeter a distinctive character and cultural identity.

We further agree wholeheartedly with the Exeter Landscape Sensitivity Assessment of Land Parcel 21. LP21 lies in Topsham Conservation Area which includes fine Grade 2 houses, and also borders (or is very near to) the RSPB nature reserve and the Exe RAMSAR site.

Part of our garden where it adjoins the River Clyst is included within LP21, and any development on LP21 will require transit along a single carriageway section of Elm Grove Road including in front of our house.

We, and many other residents of, and visitors to, Topsham spend significant time in and around LP21 walking, running, cycling, birdwatching and dog-walking.

We understand that developers are considering an application for development of part of LP21 known as "May's Field". This would be entirely inappropriate for a number of reasons, including:

1. LP21 is home to a wide variety of wildlife of national interest including birds (hence the presence of the RSPB nature reserve), animals (including otters), insects and flora/hedgerows – some of which are quite rare. Any development within LP21 would cause irreparable damage to the environment and have a detrimental impact on the eco-system
2. Any development within LP21 would inevitably spoil views into, and around, the area and adversely affect the skylines and ridgelines
3. LP21 lies within the Conservation Area and it is hard to see how any development could avoid having ruinous effects on the heritage and character of Topsham and therefore on the wider Exeter area
4. The obvious access road of Elm Grove Road and surrounding roads (Bowling Green Road and Monmouth Street), are tight single-track roads and are used heavily by pedestrians and cyclists of all ages. In many places, these roads do not have pavements
5. These roads form part of the loop around LP21 for residents and visitors. The roads already struggle to

accommodate vehicular traffic and Monmouth Street regularly becomes blocked by vehicles. Any housing development in LP21 would cause danger to pedestrians and cyclists, and create traffic havoc for all users

6. Elm Grove Road, the obvious main access road to LP21, as well as being mostly single track at the southern approach to LP21, crosses a narrow bridge over the Exeter to Exmouth railway line. This would constitute a further, significant, bottleneck to increased vehicle flows

7. Any significant building development within LP21 would cause horrendous disruption on the roads into and out of the area for a considerable time

8. Were this part of LP21 be developed, the whole character of this part of the Topsham fringes would significantly change adversely and be much less attractive to recreational visitors. This would likely result in a decline in visitors with a consequential adverse impact on the Topsham economy. It would also discourage people from Topsham, the wider Exeter area and further afield from connecting with the natural environment

For the above reasons, approval of any property development on LP21 would be inappropriate and, in our opinion, contrary to the letter and spirit of Strategic Policy NE1 Landscape Setting Areas (Strategic Policy).

Modifications: -

Requested to attend examination?: -

Ref: G-34-MAP

Representor: Timothy Hale

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: -

Comments: As I understand it, The Exeter Plan 2021-2041 outlines the strategic vision for the area, [bold] emphasizing the importance of preserving the landscape setting and enhancing the quality of life for residents. [bold] The plan includes various policies aimed at protecting green spaces, promoting sustainable development, and ensuring that infrastructure improvements are in line with community needs. The area around Topsham, including Mays Field and the Goat Walk, is highlighted as [bold] a key location [bold] for maintaining the natural beauty and recreational opportunities for residents.

I endorse Policy NE1: Landscape Setting (Strategic Policy), particularly concerning the setting of Topsham and 'Land Parcel Number LP21,' which encompasses Mays Field and the Goat Walk open space. We have lived in Topsham for 22 years, 20 years of which have been in Monmouth Street. The Goat Walk 'loop' has become extremely popular with residents and visitors and is busy every day, full of walkers (often with young families) and cyclists on Route 2 up Monmouth Street, past Mays field and along the bike path. We enjoyed walking in Mays field until the current owners denied access. It was a lovely space for both residents and visitors to enjoy.

Land Parcel LP21 is highly appealing to developers in search of profit at the expense of the community. There have been at least four housing proposals for this land that we know of, all of which were dismissed on appeal. The two fields adjoining Bowling Green Road were acquired by the community – to which my wife contributed - and are now firmly protected from development. However, the owners of Mays Field remain hopeful that planning permission might be granted, despite the landscape setting policy and the inadequate road system.

More residential cars, and delivery vans to a concentrated housing development would create a material increase in danger to the many cyclists on Route 2, and pedestrians. With any development, this traffic will have to spill onto this heavy pedestrian/cycle route. People of all ages and abilities frequently walk, run, and cycle along this road to access the Exe estuary cycle path, enjoy the beautiful and tranquil views across the nature reserve, and use the community fields designated for dog walking and a dog-free area. It is one of the most cherished parts of Topsham where residents and visitors alike can walk mindfully, enjoying the tranquil and relatively traffic-free setting today.

Bowling Green Road is a very narrow lane that cannot accommodate two-way traffic even today. Developing Mays Field would be extremely dangerous and detrimental to the local environment and population due to the increased traffic.

Modifications: -

Requested to attend examination?: No

Ref: G-35-MAP

Representor: Tracey Setter

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: As a Topsham resident I support Policy NE1: Landscape Setting (Strategic) Policy with particular relation to Land Parcel LP21 and I write to express my serious concerns regarding any proposed development near the mixed-use space that serves a a vital area for walking, cycling, running, and more by both locals and visitors of all ages and abilities. The addition of further traffic would undeniably make this area unattractive and unsafe for its users, jeopardizing the community's access to a space they have long enjoyed. Furthermore, the location is adjacent to a nationally important RSPB reserve. Any large-scale development would not only disrupt this valuable ecosystem but would also have a clearly detrimental effect on the wildlife and natural aesthetics that the reserve promotes. Notably, parking in the area is already heavily congested, creating potential hazards. The existing access points are frequently overused, contributing to road blockages that further complicate the flow of traffic. Additionally, this area lies on the edge of Topsham's historic district. Introducing further modern development in this context would fundamentally alter the character and visual appeal of this cherished historical site. I urge you to consider these factors seriously and to lend your support to policies that protect our community spaces and environment. Thank you for your attention to this critical matter.

Modifications: -

Requested to attend examination?: No

Ref: H-16-MAP

Representor: Anonymous

Chapter/section of the Exeter Plan: Policies Map

Policy: -

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: -

Comments: Map shows site 158 as a site for future development. This is not correct. This is the site of the temporary Matford Lane offices at County Hall. The recent demolition of these huts was permitted with the condition that the land should be returned to Greenfield.

Modifications: This site should be clearly identified as Greenfield land. This land should not be identified on the map for development.

Requested to attend examination?: No

Ref: F-01-KEY

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: Key Diagram

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: H-20-KEY

Representor: Anonymous

Chapter/section of the Exeter Plan: Key Diagram

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: ***Personal details have been removed***

Modifications: -

Requested to attend examination?: -

Ref: H-21-KEY

Representor: Anonymous

Chapter/section of the Exeter Plan: Key Diagram

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: D-08-APP

Representor: Pinhoe Village

Chapter/section of the Exeter Plan: Appendix A - The Green Infrastructure Spatial Framework

Policy: -

Paragraph: -

Site: -

Legally Compliant?: No

Sound?: No

Duty to Co-operate?: No

Comments: This Appendix provides insufficient detail for use as a reference document for the Green Infrastructure section of this local plan. It omits the potential of the active travel connection from Cheynegate Lane as one of the city's last remaining holloways (including an important site of geology / RIGS) connecting at the top of Pinhoe Ridgeline to the Clyst Valley

This Appendix does not accurately reflect the porosity of the landscape connecting the ridgeline with communities across the city. Transport connections which form vital routes across the city have not been marked, making it difficult for anyone responding to the Plan to accurately assess its current status, biodiversity connection as increased value or the impact of many other strategic policies of this Local Plan.

As one example: Pinhoe as a community and local centre sits across a boundary with East Devon. The lived experience of place includes a patchwork of green infrastructure - fields, tree-lined streets and holloways connecting across the Ridgeline rather than providing a "clear distinction" of boundary. The Appendix obfuscates potential biodiversity opportunity of the landscape connection across Exeter city and East Devon and omits important characteristics including a RIGS at Cheynegate Lane with significant heritage and local distinctiveness value. As part of local democratic process, over 2000 people signed a petition to protect the character of the ridgeline at Pinhoe, prompting unanimous support of ECC members at a full council meeting followed by cross-party support at Strategic Scrutiny Committee. The deep value of local heritage, distinctiveness and character across the ridgeline formed an integral part of this community representation, which could be used to support Council's strategic vision.

It is my experience and testimony that community voices have been lost from this consultation process in part because of lack of clarity in providing a holistic, place-sensitive vision.

This Appendix does not accurately reflect the porosity of the landscape connecting the ridgeline with communities across the city. Transport connections which form vital routes across the city have not been marked, making it difficult for anyone responding to the Plan to accurately assess its current status, biodiversity value or the impact of many other strategic policies of this Local Plan.

As one example: Pinhoe as a community and local centre sits across a boundary with East Devon. The lived experience of place includes a patchwork of green infrastructure - fields, tree-lined streets and holloways connecting across the Ridgeline rather than providing a "clear distinction" of boundary. The Appendix obfuscates potential biodiversity opportunity of the landscape connection across Exeter city and East Devon and omits important characteristics including a RIGS at Cheynegate Lane with significant heritage and local distinctiveness value. As part of local democratic process, over 2000 people signed a petition to protect the character of the ridgeline at Pinhoe, prompting unanimous support of ECC members at a full council meeting followed by cross-party

support at Strategic Scrutiny Committee. The deep value of local heritage, distinctiveness and character across the ridgeline formed an integral part of this community representation, which could be used to support Council aims in a more positive way.

It is my experience and testimony that community voices have been lost from this consultation process in part because of lack of clarity in providing a holistic, place-sensitive vision.

Modifications: Further detail is essential to the understanding of the application of the Green Infrastructure network across the Plan's strategic policies.

Requested to attend examination?: Yes

Ref: F-01-APP

Representor: Exeter Conservatives

Chapter/section of the Exeter Plan: Appendix A - The Green Infrastructure Spatial Framework

Policy: -

Paragraph: -

Site: -

Legally Compliant?: Yes

Sound?: Yes

Duty to Co-operate?: Yes

Comments: -

Modifications: -

Requested to attend examination?: No

Ref: D-06-GLOS

Representor: Exeter Civic Society

Chapter/section of the Exeter Plan: Glossary

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: -

Modifications: ECS recommends to add definitions of the following terms to the 'Glossary'.

Affordable private rent [as dealt with in 6.27, H5]

Appropriate densities, massing and building heights (as compared to 'optimal densities' which is defined in the Glossary; D1 and all through the document as 'appropriate densities'.

High quality homes [used 92 times]

Wheeling (as used in STC1, 9.6 and 9.11)

Requested to attend examination?: No

Ref: B-03-HIA

Representor: Historic England

Chapter/section of the Exeter Plan: Evidence: HIA 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: In response to the previous consultation on a Full Draft Exeter Plan, Historic England requested further evidence to support strategic site allocation policies. We therefore welcome the preparation of a Views, Density and Heights Study in support of the Plan, along with a Heritage Impact Assessment for all site allocations. This has formed a key part of the evidence on which we have made a balanced judgement about the soundness of proposed site allocations and associated policies.

The Views, Density and Heights Study comprises two parts. We were a key stakeholder and adviser to the Council and its consultants on the Stage 1 Skyline and Views Report and we hope that this rich analysis will help the Council to secure forms of development that respond to, conserve and enhance some of the city's most important strategic views over the next two decades or more. Accordingly, we are keen that the policy framework within the Local Plan responds to this work and any future update or supplementary evidence on views.

In relation to the Stage 2 Sites Report, we were less involved, and our support is qualified. We recognise that this evidence goes some way to demonstrating that site capacities are likely to be achievable. When read alongside the Heritage Impact Assessment (HIA) it informs our position on whether general and site-specific policies in the Plan are, or can be made, sound, in relation to heritage considerations. However, it is a broadbrush analysis and the massings illustrated in the report are unlikely to represent an optimal solution for the strategic sites. For example, in our comments we have identified some (non exhaustive) examples of potential for harm to the settings of heritage assets that have not been adequately assessed within the Stage 2 report.

In view of these issues, it is important that the Plan is clear about some of the limitations of Stage 2. Much more work will be needed to develop effective masterplans for each site, preferably pursuing a place-shaping approach informed by detailed context appraisal and community engagement. We therefore believe that the Stage 2 report should be treated as evidence to inform the Plan and should not be given equal status to the more robust analysis in Stage 1, which we hope will also be a key consideration for future planning applications.

Notwithstanding these comments, we believe that the general policies and site allocation policies in the Plan could, with some adjustments, represent a foundation for positive place-shaping in Exeter. We are therefore requesting a series of changes to policies in the Plan to ensure an appropriate response to the evidence base for heritage. Our detailed comments on plan policies and supporting text are provided below as a schedule, which may also form the basis of a subsequent Statement of Common Ground.

Modifications: -

Requested to attend examination?: -

Ref: C-07-HIA

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: Evidence: HIA 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: This Heritage Impact Assessment is a new addition to the Evidence Base for the emerging Exeter Plan, released as part of the Regulation 19 round of consultation. On behalf of the Client, the document (prepared by Exeter City Council dated 2024) has been reviewed, and with input from Iceni Projects' Heritage and Townscape Team, the following comments are made:

- Firstly, it is queried why, on the contents page, select sites are shown in bold. It is acknowledged that the list is taken from Exeter's 2024 HELAA, however the HELAA does not show some sites in bold in the same way. There also does not appear to be a correlation between the site's shown in bold and any of the allocations in the draft local plan.
- With regards to Page 231 which covers the site at Clarendon House, the Client would argue that the relevant recent planning history should include the EIA Scoping Request (application reference 24/1196/SO), which was determined on 2 December 2024.
- Looking to the 'Conservation Area' section of the Clarendon House Assessment table, this misinterprets Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The act states that:

"with respect to any buildings or other land in a conservation area ... special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

The table confirms that the Site lies adjacent to and in proximity of conservation areas and goes on to say that as a result of this development proposals must conserve and enhance the character and appearance of the conservation area. This does not align with the wording of Section 72 (1) which applies this requirement only to buildings or land that lies within a conservation area. As such, the Client recommends that the misuse of the Section 72 (1) wording is replaced by a more robust position is applied using NPPF paragraph 219. This encourages development in the setting of heritage assets "to enhance or better reveal their significance" and favours "proposals that preserve those elements of the setting that make a positive contribution to the asset".

- Within the 'What impact would development have on that significance?' section, no assessment is made of the baseline context and the impact that this has on the setting of heritage assets. The impact of the redevelopment of the Site requires consideration against the present modern context of the area and the extent to which surrounding modern buildings have already altered the historic setting of nearby heritage assets.

- The 'What mitigation could be provided to maximise enhancements and avoid harm?' section describes that there is a 'wealth of heritage directly adjacent to the site'. The Client would strongly disagree with this statement as Exeter's "wealth of heritage" arguably lies within the historic core of the city centre. This is signified by the City Centre Conservation Area and a high density of listed buildings. In comparison, the Clarendon House Site lies directly adjacent to:

- a) Lower Summerlands Conservation Area, the setting of which has already been altered by surrounding modern buildings

- b) Two Grade II listed buildings (Eaton Place and Eaton's Place) the significance and setting of which has been heavily diluted by extent of traffic on Heavitree Road which distracts from appreciation, and the reconfiguration of the historic street pattern which has resulted in the loss of the primary setting.

- In the same paragraph, it states:

"In accordance with the NPPF, for development to be acceptable, the level of harm to known heritage assets would require a clear demonstration of public benefit that outweighs and justifies the degree of harm caused."

This misquotes the NPPF which states that "this harm should be weighed against the public benefits of the proposal". The Client therefore recommends that the wording is amended to align with that of the NPPF.

- The document gives the Clarendon House site a Heritage Impact Assessment RAG Rating of 'Amber'. On Page 7 of the document, 'Amber' is defined as follows:

"[bold] Amber [bold] – Development will cause harm to the significance of the historic environment/asset(s) without mitigation. Appropriate mitigation measures, including negotiation on future design, layout and massing, together with the appropriate use of conditions, may enable development to be acceptable."

If this current definition is taken forward and applied to Clarendon House, this creates a presumption that any development of the Site will result in 'harm' to the significance of heritage assets. For the reasons listed above regarding the existing baseline and diluted significance of nearby assets, the Client argues that this should not be the automatic presumption and that this should instead be lessened to a position of less than substantial harm, which would give the site a 'Yellow' rating in accordance with the definitions on Page 7. Alternatively, the definition of 'Amber' should be amended to be classified within the spectrum of less than substantial harm.

Modifications: -

Requested to attend examination?: Yes

Ref: D-01-HIA

Representor: Devon Archaeological Society

Chapter/section of the Exeter Plan: Evidence: HIA 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: We object to the content of the lengthy supporting 'Heritage Impact Assessment' (HIA) tabled as part of the 'evidence base' for the Plan, amounting to some 360 pages, which should have formed a useful appendage, but which is quite unworthy of a city so archaeologically rich as Exeter. This document is quite unsound, as it would appear that the individual archaeological assessments have been written with little or no knowledge of the archaeological work that has been carried out in both the city and its environs over the last forty years. As a supporting document for Strategic Policy HH1 it is entirely inadequate. The archaeological advice, such as it is, appears to be based solely on statutory designations and the extent of the Exeter Area of Archaeological Importance, and not in any way to benefit from the numerous excavations within the city, and their subsequent thorough interpretation, nor the extensive areas outside the historic core, most notably to the east of the city, where extensive excavation over the last twenty years has revealed evidence of intense prehistoric activity. As presented, this document appears to have been compiled by means of an extensive 'cut and paste' exercise, rather than exploiting the extensive available historical and archaeological information relating to individual sites and their immediate surroundings. Time and time again, for site after site, the same general formulae are repeated verbatim, with no site-specific information provided.

We believe this major shortcoming derives from the fact that little or no attention has been paid to the extensive, and site-specific, information within the Exeter Historic Environment Record (HER), which has been built up over many years with support from Historic England. This may not be surprising in view of the fact that so far as we are aware that the HER is presently dormant, if not indeed moribund, inaccessible even to council officers, let alone other interested parties and the general public, and has not been updated for a number of years now, despite the commitments entered into by the City Council at the time of its creation. The HER should have formed the foundation of all the advice for the centre of the City within the HIA, and without it the document is virtually useless. For the area outside the historic core, an excellent record is fully available in the HER maintained by Devon County Council, to which, similarly, no reference appears to have been made. We refer to the obligations on local planning authorities in the NPPF (para 205 in the latest version of December 2024) and in the Levelling Up and Regeneration Act 2023, whereby they are statutorily required to make available and maintain an HER.

Modifications: -

Requested to attend examination?: -

Ref: B-07-HRA

Representor: Natural England

Chapter/section of the Exeter Plan: Evidence: HRA

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: [bold] 3. Screening Conclusions [bold]

[bold] Para. 3.10 [bold]

Natural England has particular concern about loss of potential functionally linked land (FLL) (i.e., habitat supporting SPA birds), where proposed greenfield site allocations are near to nature conservation sites with bird interests (e.g., the Exe Estuary SSSI/SPA/Ramsar).

The Exe Estuary is of international importance for wintering and migratory wetland birds. The estuary birds are particularly sensitive during the winter and during stopovers on annual migrations, throughout which time they must build up energy reserves. Any disturbance that causes them to take flight, especially repeatedly, reduces foraging time and causes additional energy expenditure. This can result in a reduction in fitness making it a challenge to survive the winter. This includes having to fly further, where there is loss of FLL close to the estuary, to find suitable sites for foraging/resting/commuting/moulting/shelter.

Natural England welcome the additional discussion in paragraph 3.10 of the HRA, however we consider more evidence would have enabled greater confidence in the conclusion. This could have included the view of an ornithological expert (it is not clear if this was already part of the HRA), existing data and/or a FLL survey for the eastern side of the Exe estuary. At Appropriate Assessment, mitigation for loss of potential FLL could also have been considered, such as enhancing the availability for high tide roosts at the Riverside Valley Park.

[bold] 7. Formal Integrity Test and Conclusions [bold]

Whilst the additional evidence suggested above would have made the decision more robust, Natural England can confirm that we can concur that the Exeter Local Plan will not result in adverse effects on the integrity of European sites.

Modifications: -

Requested to attend examination?: -

Ref: B-10-HRA

Representor: South West Water

Chapter/section of the Exeter Plan: Evidence: HRA

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: [bold] Water Supply and Water Quality [bold] – South West Water (SWW) supports the water quality section of this HRA as the information regarding SWW's DWMP is accurate and supports the statement: -

The outcome of the WRMP and DWMP and their respective HRAs indicate that adverse effects can be ruled out alone or in combination for the Exe Estuary SPA/Ramsar with respect to hydrological issues.

As part of developing the DWMP & WRMP, SWW considered and factored in proposed levels of growth. SWW has now accepted OFWATs determination of the PR24 Business Plan, securing operational funding for the 2025 – 2030 period.

Modifications: -

Requested to attend examination?: No

Ref: D-09-HRA

Representor: RSPB

Chapter/section of the Exeter Plan: Evidence: HRA

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The RSPB supports the statement in para 10.16 that “Proposals that have a likely significant effect on internationally important sites (currently comprising Special Areas Of Conservation, Special Protection Areas (SPA) and Ramsar sites) will be subject to an appropriate assessment in accordance with the Habitats Regulations. Where the assessment indicates that it is not possible to ascertain that the proposal, either on its own or in combination with other plans or projects, would have no adverse effect on the integrity of the site, development will only be permitted in exceptional circumstances where there are no alternative solutions, there is an imperative overriding public interest and compensation measures are secured.”

However, we are very concerned that the amount of new residential development proposed within 10km of the Exe Estuary SPA/Ramsar and east Devon heaths SPA/SAC within this Exeter Plan [bold] combined with that in the emerging East Devon Local Plan [bold] will result in adverse impacts on those sites (eg increased recreational pressure) that cannot be satisfactorily mitigated or compensated for. The HRA for the emerging East Devon Local Plan has not been finalised and, while we note that the HRA for the Exeter Plan (Footprint Ecology, 9 December 2024) concluded the strategic mitigation strategy (Teignbridge District Council, Exeter City Council and East Devon District Council) contains measures sufficient to mitigate/compensate sufficiently for the increased recreational impacts arising from proposed new residential and tourism developments in Exeter, (eg, financial contributions from developers of those new developments within 10km of the designated sites for mitigations measures such as wardening on those sites, and managing the Valley Parks to maximise accommodation of local recreational needs), we are concerned that, combined with the proposals for new residential developments in East Devon that are much, much closer to the designated heathlands, existing strategic measures may not be sufficient to avoid adverse impacts on the designated heathlands.

Modifications: -

Requested to attend examination?: No

Ref: F-02-HRA

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: Evidence: HRA

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: [bold] Waste Water [bold] The HRA highlight the uncertainty in relation to waste water management (emphasis mine)

6.23 [italic] "Whilst it should be expected that all existing wastewater treatment works that lie within the catchment of the Exe Estuary operate within their licensed conditions and that all have capacity to accommodate predicted levels of growth, this is not known to the Council for certain and there is some evidence in the public domain they are not. On the other hand, licenses for all wastewater treatment works and any changes to these would have been subjected to project-level HRAs and would not be permitted to operate if adverse effects could not be ruled out." [italic] [10]

In light of this and the advice set out in PPG Water supply, wastewater and water quality [11] Policy CC9 para 5.44 does not address

- identifying suitable sites for new or enhanced waste water and water supply infrastructure. existing and proposed development in the vicinity of a location under consideration for water and wastewater infrastructure
- phasing new development so that water and wastewater infrastructure will be in place when and where needed.
- The impact on designated sites of importance for biodiversity should be considered to ensure the required infrastructure is in place before any environmental effects occur.

Given that the [Embedded link: <https://www.southwestwater.co.uk/about-us/what-we-do/improving-your-service/drainage-and-wastewater-management-plan>] [12] is a strategic document is important that in order to be effective policy CC9 include strategic polices to join up this plan with development proposals. The policy is currently ineffective as it is silent on waste water.

[Footnotes]

[10] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1733875391/projects/66e1bd7c5ec13e2bc2471edb/media-upload/Habitats%20Regulations%20Assessment%20of%20the%20Exeter%20Plan%20-%20Publication%20Draft.pdf/wgrickznejuftwitysxml.pdf>]

[11] [Embedded link: <https://www.gov.uk/guidance/water-supply-wastewater-and-water-quality#water-Infrastructure>]

[12] [Embedded link: <https://www.southwestwater.co.uk/about-us/what-we-do/improving-your-service/drainage-and-wastewater-management-plan>]

Modifications: -

Requested to attend examination?: -

Ref: G-22-HRA

Representor: Neil Parsley

Chapter/section of the Exeter Plan: Evidence: HRA

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Before any further proposals are considered it is essential that the vehicular congestion in this area should be dramatically reduced for the welfare of our current & future generations. This should start with a detailed study of the traffic emissions along Topsham Road & other arterial roads in Exeter. It is also crucial that scientists publish a study of the potential emissions from this heat exchange plant which will increase the pollution in this area? If it is essential to build a renewable energy heat exchanger plant, why can't it be constructed on existing industrial brownfield sites or in one of the many empty warehouses in Marsh Barton. Belle Isle is a greenfield site with lots of wildlife habitats that must be preserved for future generations to enjoy.

ECC must take into account the increased traffic congestion & pollution that the proposed Heat Exchange Plant will cause during its construction & from its use.

Modifications: -

Requested to attend examination?: -

Ref: A-01-IDPa

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

“A series of Park and [bold]Change[bold] [strikethrough]Ride[strikethrough] /mobility hubs for key corridors into the city and key development sites, including: A30/Honiton road, A376/A3052/Sidmouth Road, Pinhoe Road, Cowley Bridge Road, West Exeter/Alphington Road, Bridge Road/Matford and strategic brownfield allocations”

Wording change (Column 1): DCC requests that this project description is amended to refer to Park and Change to reflect the evolving nature of park and ride facilities which now facilitate other methods of sustainable onward travel.

Requested to attend examination?: -

Ref: A-01-IDPb

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

A new shared mobility scheme/schemes providing car share and e-bike hire

Classification (related to development):

~~B. Important~~

C. Desirable

Classification amendment (Column 3):

We welcome the inclusion of this scheme in the IDP but recognise that it is currently an aspirational scheme and as result recommend amending the classification from B. Important to C. Desirable.

Requested to attend examination?: -

Ref: A-01-IDPc

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

Strategic long distance trails (beyond Exeter): Staged delivery of Clyst Valley Trail, Boniface Trail, Exe Estuary Trail, Cranbrook to Mosshayne (East Devon) [bold]walking and cycling route and exploring the creation of green lanes on the edge of Exeter.[bold]

Additional wording (Column 1):

Devon County Council requests that the additional wording highlighted in bold in Column 1 is included to clarify that Cranbrook to Mosshayne is a walking and cycling route and recognise the role of green lanes as referred to in the LTP4, Exeter Transport Strategy and LCWIP.

Requested to attend examination?: -

Ref: A-01-IDPd

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

~~Exeter Local Cycling and Walking Infrastructure Plan: Top ten ranking schemes: E9, E3, E1, E15, E6, E14 (including replacement Mallison Bridge), E4, E7, E12, E20 (E3, E4, E9, E12 - prioritised by DCC in first five years of LCWIP)~~ ~~[strikethrough]~~

Exeter Local Cycling and Walking Infrastructure Plan: Initial 5 Year Plan Routes (E3, E4, E6, E9, E12)
Mallison bridge **[bold]**

Estimated project cost:

~~£30,775,000~~ ~~[strikethrough]~~

£20,000,000 **[bold]**

New wording (Column 1):

Devon County Council requests the wording is changed to that shown in bold in Column 1 to reflect/ be consistent with LTP4 ranking and LCWIP prioritisation.

Cost change (Column 4):

We request the cost is changed to align with the proposed changes in Column 1.

Requested to attend examination?: -

Ref: A-01-IDPe

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

~~Exeter Local Cycling and Walking Infrastructure Plan: Other routes linking to allocations: E13, E18, E19, E21, E22~~

Exeter Local Cycling and Walking Infrastructure Plan: Improvements to existing routes (E1, E10, E16, E17)

Estimated project cost:

~~£7,200,000~~

£10,000,000

New wording (Column 1):

We request the wording is changed to reflect/ be consistent with LTP4 ranking and LCWIP prioritisation.

Cost change (Column 4):

Request the cost is changed to align with the proposed changes in Column 1.

Requested to attend examination?: -

Ref: A-01-IDPf

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

~~Exeter Local Cycling and Walking Infrastructure Plan: Remaining schemes: E5, E8, E10, E16, E17~~

Exeter Local Cycling and Walking Infrastructure Plan: Proposed new cycling routes between key residential, employment and leisure destinations across the city (E5, E7, E8, E13, E14, E15, E18, E19, E20, E21, E22)

Estimated project cost:

~~£16,150,000~~

£24,000,000

New wording (Column 1):

We request the wording is changed to reflect/ be consistent with LTP4 ranking and LCWIP prioritisation.

Cost change (Column 4):

Request the cost is changed to align with the proposed changes in Column 1.

Requested to attend examination?: -

Ref: A-01-IDPg

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

Water Lane active travel package [bold] as referred to in the adopted Water Lane SPD [bold]

New wording (Column 1):

Devon County Council requests the wording is changed to that shown in bold in Column 1 to provide clarity on what the term 'active travel package' is referring to.

Requested to attend examination?: -

Ref: A-01-IDPh

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

Additional pedestrian and cycle bridge over the canal linking Water Lane and Riverside Valley Park. Potential for this to be considered as part of the emergency access and egress scheme for Water Lane - TBC

Estimated project cost:

~~TBC~~

£5,000,000

Cost change (Column 4):

The estimated cost is likely to be circa £5,000,000 and as such we would request this is included within Column 4 'Estimated Project Cost'.

Requested to attend examination?: -

Ref: A-01-IDPi

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

[strikethrough] A series of pedestrian and cycle crossings of [strikethrough] [bold] Improved cycle and pedestrian crossings on [bold] Western Way, radial routes and key junctions including former Exeter bypass, Exe Bridges, Paris Street roundabout, and Sidwell Street/Blackboy Road roundabout.

Amended wording (Column 1): We request that the wording in Column 1 is amended to that highlighted in bold to better reflect the nature of any works which may include both improving existing infrastructure and/ or creating new infrastructure where identified.

Requested to attend examination?: -

Ref: A-01-IDPj

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

East Gate pedestrian and public realm improvements [strikethrough] including additional crossing of Cheeke Street [strikethrough]

Amended wording (Column 1): Devon County Council requests that the reference to Cheeke Street is removed so that specific improvements are identified and agreed at a later date.

Requested to attend examination?: -

Ref: A-01-IDPk

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

South Street public realm enhancement project

Estimated project cost:

~~£15,000,000~~

TBC

Cost change (Column 4): Given we have do not have sufficient detail on the plans for this area we would request that costing is marked as TBC.

Requested to attend examination?: -

Ref: A-01-IDPI

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

New primary school at Water Lane: Capacity for 420 pupil [bold] on a site of at least 1.6ha [bold]. Communal space and office as a children's centre service delivery base. [bold] Cost based on £20,305 primary new build rate per pupil. [bold]

Classification (related to development):

[bold] A. Critical [bold]

[strikethrough] B. Important [strikethrough]

Delivery partners:

ECC, DCC, [strikethrough] ESFA [strikethrough], developers

Potential funding sources (detail TBC). Funding could also include scheme development:

S106, DCC [strikethrough], DfE [strikethrough]

Additional Wording (Column 1):

The site size required to deliver the new primary school at Water Lane has been omitted from the IDP and needs to be included to ensure that it follows current Government guidance (Building Bulletin 103). We request that the wording in bold in Column 1 is added to the description.

Classification amendment (Column 3):

It is essential this classification is upgraded from 'Important' to 'A. Critical' to recognise the essential role educational infrastructure plays within the community as recognised by Paragraph 15.24 of the Local Plan.

Delete reference to ESFA and DfE (Columns 5 & 6): We request that reference to EFSA and DfE are removed as we are not expecting government funding to be forthcoming from these sources in the future for new school provision.

Requested to attend examination?: -

Ref: A-01-IDPm

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

[bold] New Early Years Provision at Water Lane primary school. Cost based on £250 x 1705 family type dwellings. [bold]

Infrastructure theme:

[bold] Education – Early Years [bold]

Classification (related to development):

[bold] A. Critical [bold]

Estimated project cost:

[bold] £426,000 [bold]

Delivery partners:

[bold] ECC, DCC, developers [bold]

Potential funding sources (detail TBC). Funding could also include scheme development:

[bold] S106, DCC [bold]

Estimated delivery period:

[bold] 2031-2041 [bold]

Additional row required: In order to allow for early years provision requirements in line with the County Council's Education Infrastructure Plan and Education Infrastructure Section 106 Approach.

Classification (Column 3):

It is essential this classification is identified a 'A. Critical' to recognise the essential role educational infrastructure plays within the community as recognised by Paragraph 15.24 of the Local Plan.

Column 5 & 6: We request that there is no reference made to EFSA and DfE as we are not expecting government funding to be forthcoming from these sources in the future for new school provision.

Requested to attend examination?: -

Ref: A-01-IDPn

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

Further additional primary provision: [bold] Second [bold] new primary school with capacity for 420 pupils [bold] on a site of at least 1.6ha [bold]. Communal space and office as a children's centre service delivery base. Site to be confirmed. [bold] Cost based on £20,305 primary new build rate per pupil. [bold]

Classification (related to development):

[bold] A. Critical [bold]

[strikethrough] B. Important [strikethrough]

Delivery partners:

ECC, DCC, other LPAs, [strikethrough] ESFA [strikethrough], developers

Potential funding sources (detail TBC). Funding could also include scheme development:

S106, DCC, [strikethrough] DfE [strikethrough]

Additional Wording, (Column 1):

The site size required to deliver the new primary school at Water Lane has been omitted from the IDP and needs to be included to ensure that it follows current Government guidance (Building Bulletin 103). We request that the wording in bold is added to the description.

Classification amendment (Column 3):

It is essential this classification is upgraded from 'Important' to 'A. Critical' to recognise the essential role educational infrastructure plays within the community as recognised by Paragraph 15.24 of the Local Plan.

Delete reference to ESFA and DfE (Column 5 & 6): We request that reference to EFSA and DfE are removed as we are not expecting government funding to be forthcoming from these sources in the future for new school provision.

Requested to attend examination?: -

Ref: A-01-IDPo

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

Further additional primary provision: 210 place expansion of an existing primary school site. Cost based on a primary expansion rate of £17,097 per pupil.

Infrastructure theme:

Education - primary

Classification (related to development):

A. Critical

Estimated project cost:

£3,600,000

Delivery partners:

ECC, DCC, other LPAs, developers

Potential funding sources (detail TBC). Funding could also include scheme development:

S106, DCC

Estimated delivery period:

2031-2041

Additional row required: In order for the IDP to be consistent with the Local Plan and Devon Council Council's school place provision requirements we would request that an additional row is added with the description as highlighted in bold in Column 1 and with the 'Critical' classification highlighted in bold in Column 3.

Column 5 & 6: We request that there is no reference made to EFSA and DfE as we are not expecting government funding to be forthcoming from these sources in the future for new school provision.

Requested to attend examination?: -

Ref: A-01-IDPp

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

New early years provision at [bold] second [bold] new [bold] primary school [bold] and extended primary school[bold](s). Cost based on £250 x 9000 family type dwellings. [bold]

Classification (related to development):

[bold] A. Critical [bold]

[strikethrough] B. Important [strikethrough]

Delivery partners:

ECC, DCC, [strikethrough] ESFA [strikethrough], developers

Potential funding sources (detail TBC). Funding could also include scheme development:

S106, DCC, [strikethrough] DfE [strikethrough]

Additional Wording, (Column 1):

In order to allow for early years provision requirements in line with the County Council's Education Infrastructure Plan and Education Infrastructure Section 106 Approach we request that the wording in bold is added to the description.

Classification amendment (Column 3):

It is essential this classification is upgraded from 'Important' to 'A. Critical' to recognise the essential role educational infrastructure plays within the community as recognised by Paragraph 15.24 of the Local Plan.

Delete reference to ESFA and DfE (Column 5 & 6): We request that reference to EFSA and DfE are removed as we are not expecting government funding to be forthcoming from these sources in the future for new school provision.

Requested to attend examination?: -

Ref: A-01-IDPq

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

City-wide secondary school provision (1200 places required over plan period): Expansion of existing schools

Classification (related to development):

[bold] A. Critical [bold]

[strikethrough] B. Important [strikethrough]

Delivery partners:

ECC, DCC, [strikethrough] ESFA [strikethrough], developers

Potential funding sources (detail TBC). Funding could also include scheme development:

S106, DCC, [strikethrough] DfE [strikethrough]

Classification amendment (Column 3):

It is essential this classification is upgraded from 'Important' to 'A. Critical' to recognise the essential role educational infrastructure plays within the community as recognised by Paragraph 15.24 of the Local Plan.

Delete reference to ESFA and DfE (Column 5 & 6): We request that reference to EFSA and DfE are removed as we are not expecting government funding to be forthcoming from these sources in the future for new school provision.

Requested to attend examination?: -

Ref: A-01-IDPr

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

Special School Provision: Provision likely to be made [bold] both within and [bold] outside of the city administrative boundary to accommodate Exeter and subregional development

Classification (related to development):

[bold] A. Critical [bold]

[strikethrough] B. Important [strikethrough]

Delivery partners:

ECC, DCC, [strikethrough] ESFA [strikethrough], developers

Potential funding sources (detail TBC). Funding could also include scheme development:

S106, DCC, [strikethrough] DfE [strikethrough]

Column 1:

Include the additional wording shown in bold as new SEND places will be delivered within existing Exeter schools and also new planned provision outside of Exeter.

Classification amendment (Column 3):

It is essential this classification is upgraded from 'Important' to 'A. Critical' to recognise the essential role educational infrastructure plays within the community as recognised by Paragraph 15.24 of the Local Plan.

Delete reference to ESFA and DfE (Column 5 & 6): We request that reference to EFSA and DfE are removed as we are not expecting government funding to be forthcoming from these sources in the future for new school provision.

Requested to attend examination?: -

Ref: A-01-IDPs

Representor: Devon County Council

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: -

Modifications: [Proposed additional text shown in bold; proposed deletions shown with strikethrough]

Project name and brief description:

~~[Additional further-education provision]~~

Infrastructure theme:

~~Education~~

Classification (related to development):

~~D. Strategic~~

Estimated project cost:

~~TBC~~

Delivery partners:

~~ECC, DCC, Exeter College, other providers~~

Potential funding sources (detail TBC). Funding could also include scheme development:

~~Exeter College, DfE~~

Estimated delivery period:

~~2026-2041~~

DCC request that this row is removed as DCC has not requested contributions for Post-16 provision as it is only a statutory requirement for post-16 SEND students. We therefore propose that SEND contributions should also be used towards additional specialist Post-16 places. This will be provided as part of special school provision in the row above.

Requested to attend examination?: -

Ref: B-02-IDP

Representor: Environment Agency

Chapter/section of the Exeter Plan: Evidence: IDP 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The dates referenced in the IDP for the 'Upgrade to Countess Wear sewage treatment works to serve wider area' are dated 2031-2036. Given these are deemed critical we consider it essential that this date in the IDP be revised to echo the South West Water Business Plan which states a delivery date of 2030 for this (rather than the 2031-2036 currently in the IDP)

Similarly the additional East of Exeter Sewage treatment works in East Devon is set out for a date of 2031-2041 in the IDP, however the SWW business plan states 'our new East of Exeter WWTW will be designed and delivered by 2035', so we strongly feel this too should be altered in the IDP to bring the date nearer for this critical infrastructure delivery.

Modifications: The dates referenced in the IDP for the 'Upgrade to Countess Wear sewage treatment works to serve wider area' are dated 2031-2036. Given these are deemed critical we consider it essential that this date in the IDP be revised to echo the South West Water Business Plan which states a delivery date of 2030 for this (rather than the 2031-2036 currently in the IDP)

Similarly the additional East of Exeter Sewage treatment works in East Devon is set out for a date of 2031-2041 in the IDP, however the SWW business plan states 'our new East of Exeter WWTW will be designed and delivered by 2035', so we strongly feel this too should be altered in the IDP to bring the date nearer for this critical infrastructure delivery.

Requested to attend examination?: -

Ref: D-07-LPVA

Representor: Home Builders Federation

Chapter/section of the Exeter Plan: Evidence: Local Plan Viability Assessment 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The Local Plan Viability Assessment (November 2024) has tested the affordable housing requirements with 35% affordable housing on greenfield sites, 15% on brownfield sites and 20% on Build to Rent, Student Accommodation and co-living sites. The Viability testing results show that there are viability issues in VA1 for flats for sale, for some greenfield schemes in the VA3 area including those on greenfield sites and for older persons housing.

There are a number of current and emerging policy requirements both locally and nationally that are putting viability under pressure. For example, information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal or not considered in full.

Other factors that need to be taken into account include increasing costs of materials and labour due to inflation and the costs of mandatory BNG, which are still emerging as the off-site market is yet to be established. Although the initial price of statutory credits is now known this national fallback option has been deliberately highly priced to discourage their use. Whilst this intention is understandable, at present the lack of functioning local markets for off-site credits causes viability problems because HBF members experience to date suggests that any scheme that needs to rely on statutory credits becomes unviable.

The Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use. The HBF suggest the costs of BNG should be considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available.

Modifications: [...] There are a number of current and emerging policy requirements both locally and nationally that are putting viability under pressure. For example, information suggests that complying with the current new part L is costing £3500 per plot. The Future Homes Standard Part L in 2025 is anticipated to cost up to £7500+ per plot. There will also be the addition of the Building Safety Levy that is coming in pay for cladding. This will be

a per plot basis around the UK, and initial values are around £1500- £2500 per plot. These costs appear to have not been considered in the viability appraisal or not considered in full.

[...] The Viability Assessment should clearly set out how it considered the implications of mandatory BNG and how it arrived at the most up to date BNG costs information available to use. The HBF suggest the costs of BNG should be considered as part of the planning obligations and should be specified as a single specific item. There are significant additional costs associated with biodiversity net gain, which should be fully accounted for in the Council's viability assessment, some of which are unknown at this time. It is important that BNG does not prevent, delay or reduce housing delivery. As this is an emerging policy area and the market for off-site provision, and statutory credits are not yet known, any figure used for BNG costs will need to be kept under review as BNG implementation progresses and a greater understanding of actual costs become available.

Requested to attend examination?: Yes

Ref: B-02-SA

Representor: Environment Agency

Chapter/section of the Exeter Plan: Evidence: SA

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: We appreciate the opportunity to follow up on our previous response regarding the Plan's performance against the sustainability appraisal objectives.

We have no substantial comments on this matter. The sustainability appraisal rightly highlights the conflicts associated with proposed housing allocations near flood zones 2 and 3 in the city. It is expected that these housing allocations will reflect an overall negative impact when assessed against SA Objective 13.

Ultimately, it will be the responsibility of the council to evaluate housing allocation applications in accordance with relevant policies designed to mitigate development risks in flood-prone areas, ensuring that any subsequent development is deemed sustainable.

Given the limited alternatives for housing allocations, it is crucial to prioritise effective mitigation strategies, alongside securing financing and delivery for water infrastructure. These elements are vital for the successful implementation of the plan.

Additionally, we believe it is essential for the appraisal to consider the cumulative effects of further development in conjunction with climate change on the combined sewer network. We are confident that the Plan sufficiently addresses these impacts on water quality, thereby safeguarding amenity, ecology, and economic interests.

Modifications: -

Requested to attend examination?: -

Ref: B-03-SA

Representor: Historic England

Chapter/section of the Exeter Plan: Evidence: SA

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: We do not wish to comment in detail on the Sustainability Appraisal at this stage.

Modifications: -

Requested to attend examination?: -

Ref: B-07-SA

Representor: Natural England

Chapter/section of the Exeter Plan: Evidence: SA

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: [bold] Site Allocations [bold]

Objective 14

Para. 5.32 mentions the loss of Best & Most Versatile soils. Natural England would have welcomed the recommendation for the inclusion of a soil management policy or a requirement in the allocation policies for good soil management, as per our previous advice at Regulation 18 stage. However, we do not believe this to be a soundness issue.

Modifications: -

Requested to attend examination?: -

Ref: C-09-SA

Representor: Co-owners of land to the south of Woolsgrove House

Chapter/section of the Exeter Plan: Evidence: SA

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: No

Duty to Co-operate?: -

Comments: We have mentioned above why we believe the Sustainability Appraisal in terms of site 36 is flawed.

As suggested so as to avoid repeat representations, I write on behalf of the 8 co-owners of land to the south of Woolsgrove House, Church Hill Pinhoe EX4 9JG, known as Site 36 in the HELAA.

[image]

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.

Site location plan

[image]

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.

[image]

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

[image]

See

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 abut 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.

[image]

Modifications: 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.

[image]

Requested to attend examination?: Yes

Ref: C-20-SA

Representor: Exeter Squash Club (Mssrs Matson, Trevor & Eames)

Chapter/section of the Exeter Plan: Evidence: SA

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Site ID: 26. The Appraisal is supported, but please see supplementary statement for explanation as to why the site can score more highly on sustainability grounds.

[bold] Sustainability Appraisal Report: Annex 1 [bold]

[bold] Site ID: 26 (Exeter Squash Club, Prince of Wales Road) [bold]

[bold] Supplementary submission [bold]

The Appraisal of the site is generally supported, but there are small corrections to the appraisal that need to be pointed out, as follows. The site is a sustainably located one, and these corrections emphasise this point further, and show that the site can be seen to have an even higher degree of sustainability than identified in the Appraisal:

[bold] SA4. [bold] The site does not contain an area of open space. It adjoins an open space, but that is not the allocated site. The sketch proposals show a mixed development, to improve existing sports facilities, and so there would be an improvement to the physical and mental health and wellbeing of residents. The summary on this point should therefore be 'significant positive++', and certainly not 'uncertain significant negative-?'.

[bold] SA7. [bold] The site is adjacent to the University and is to provide student accommodation. It will provide good access to services, facilities and education. The summary on this point should be 'significant positive++', and certainly not 'uncertain minor negative-?'.

[bold] SA10. [bold] The site does not contain an existing green infrastructure asset that could be lost as a result of new development. The site contains the squash club building and car parking. There are trees along a boundary, but these do not need to be removed or harmed during any redevelopment scheme. The summary point should be 'minor positive+'.

[bold] SA12. [bold] The feasibility study accompanying the Local Plan submission has undertaken a thorough assessment of the site and the surroundings. This is more relevant than the, understandably, broad-brush assessment undertaken in the Sustainability Appraisal, and shows how there would be an enhancement to the area due to the removal of the existing building and a new building of better design quality. The summary on this point should be 'positive+'.

Modifications: [bold] SA4. [bold] The site does not contain an area of open space. It adjoins an open space, but that is not the allocated site. The sketch proposals show a mixed development, to improve existing sports facilities, and so there would be an improvement to the physical and mental health and wellbeing of residents. The summary on this point should therefore be 'significant positive++', and certainly not 'uncertain significant negative-?'.

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[bold] SA12. [bold] The feasibility study accompanying the Local Plan submission has undertaken a thorough assessment of the site and the surroundings. This is more relevant than the, understandably, broad-brush assessment undertaken in the Sustainability Appraisal, and shows how there would be an enhancement to the area due to the removal of the existing building and a new building of better design quality. The summary on this point should be 'positive+'.

Requested to attend examination?: -

Ref: D-01-SA

Representor: Devon Archaeological Society

Chapter/section of the Exeter Plan: Evidence: SA

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The Sustainability Appraisal proformas are based on the Heritage Impact Assessments (HIA) to which we have objected for reasons set out above. There is a clear indication that the under-recognition of archaeological potential in sites, the playing down of the possibility of harm to the 'significance of the historic environment/assets' (not least because of the information-free descriptions of the HIA, as referred to above) and their repeated dismissal as 'Negligible' in terms of 'SA Objective 12: To conserve and enhance the historic environment including the setting of heritage assets', all combine to diminish and play down the overall significance of the archaeological resource. This is a problem arising from process: assessments built up from hard knowledge of the archaeology will be informed by the process; those made by means of a repetitive cut and paste exercise without reference to existing knowledge will remain void.

Modifications: -

Requested to attend examination?: -

Ref: F-02-SAa

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: Evidence: SA

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The SA highlights The Council's Green Infrastructure Strategy (December 2009), however this is somewhat out of date and does not respond to current policy for example the Natural England, Green Infrastructure Framework (2023) which aims to help increase the amount of green cover to 40% in urban residential areas (B.47 p 355) however it notes how out of date existing Council strategies are in regard to local and green spaces: [italic] "The Parks and Open Spaces Strategy dates back to 2005 and is currently in the process of being updated with a new Parks and Greenspace Strategy" [italic] - no publication date is known. Enquiries on the emerging strategy have found [italic] "There is scope to join up smaller green spaces to form larger green corridors with active recreation and habitat benefits;" [italic]

Modifications: -

Requested to attend examination?: -

Ref: F-02-SAb

Representor: Exeter Green Party

Chapter/section of the Exeter Plan: Evidence: SA

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The Sustainability Appraisal [5] does not model or address the extent to which the implementation of the Local Plan will produce or reduce green house gases, or what contribution it will make in terms of achieving Net Zero 2030 a policy objective of Exeter City Council.

[5] [Embedded link: <https://res.cloudinary.com/commonplace-digital-limited/image/upload/v1734366494/projects/66e1bd7c5ec13e2bc2471edb/media-upload/2023%20Full%20Draft%20-%20Sustainability%20Appraisal%20Report.pdf/ng5zokl8uwneee3j0yd0.pdf>]

Modifications: -

Requested to attend examination?: -

Ref: G-05-SA

Representor: Elizabeth (no surname provided)

Chapter/section of the Exeter Plan: Evidence: SA

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: How had future flood risk and sea level rise been included and planned for as coastal change management areas for canal quay and riverside areas?

Access and planning is essential. Not just as future development policies adaptation of existing is really important to stop negative legacy for future generations.

Modifications: -

Requested to attend examination?: -

Ref: G-22-SA

Representor: Neil Parsley

Chapter/section of the Exeter Plan: Evidence: SA

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: Before any further proposals are considered it is essential that the vehicular congestion in this area should be dramatically reduced for the welfare of our current & future generations. This should start with a detailed study of the traffic emissions along Topsham Road & other arterial roads in Exeter. It is also crucial that scientists publish a study of the potential emissions from this heat exchange plant which will increase the pollution in this area? If it is essential to build a renewable energy heat exchanger plant, why can't it be constructed on existing industrial brownfield sites or in one of the many empty warehouses in Marsh Barton. Belle Isle is a greenfield site with lots of wildlife habitats that must be preserved for future generations to enjoy.

ECC must take into account the increased traffic congestion & pollution that the proposed Heat Exchange Plant will cause during its construction & from its use.

Modifications: -

Requested to attend examination?: -

Ref: B-02-SFRA2

Representor: Environment Agency

Chapter/section of the Exeter Plan: Evidence: SFRA2

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: The consultation Level 2 SFRA provides a good assessment of the flood hazards for the selected sites and is in line with the NPPF and national guidance on producing SFRA's and addresses our previous comments on the draft report.

The report explains the flood hazards and required design requirement/impacts to make the site safe (without increase risk to third parties) for the selected sites, and should permit the LPA to carryout the Exception Test and make an informed decision.

We would suggest that section (5.1.2) on flooding duration is still a little uncertain, and may be unclear to some readers, however if flood duration is better covered in the accompanying site table/maps that should be sufficient for all audiences to understand.

See comments above [see EA representation on Policy H2] under 'Soundness' re Belle Isle and Hamin Lane.

Currently the site tables and maps are not included in the consultation, but we expect these shortly. These will be required to fully explain the flood risk issues for each potential allocation site, and the likely solutions/scale of impact on each development design and changes to existing buildings. The issues of Safe Access and Egress should also be covered with potential solutions suggested and linked to other ongoing technical projects.

ECC SFRA L2 Site Tables 210125

Only minor alteration/clarification comments on 5 allocations (East Gate, Marsh Barton, Exe Bride, Red Cow, Water Lane). As such these are to be sent under separate cover, not as part of the formal public consultation. This position and comments are subject to seeing the 'final' mapping.

Modifications: [...] We would suggest that section (5.1.2) on flooding duration is still a little uncertain, and may be unclear to some readers, however if flood duration is better covered in the accompanying site table/maps that should be sufficient for all audiences to understand.

[...]

Currently the site tables and maps are not included in the consultation, but we expect these shortly. These will be required to fully explain the flood risk issues for each potential allocation site, and the likely solutions/scale of impact on each development design and changes to existing buildings. The issues of Safe Access and Egress should also be covered with potential solutions suggested and linked to other ongoing technical projects.

Requested to attend examination?: -

Ref: B-03-SKY

Representor: Historic England

Chapter/section of the Exeter Plan: Evidence: Views, Density and Heights Study 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: In response to the previous consultation on a Full Draft Exeter Plan, Historic England requested further evidence to support strategic site allocation policies. We therefore welcome the preparation of a Views, Density and Heights Study in support of the Plan, along with a Heritage Impact Assessment for all site allocations. This has formed a key part of the evidence on which we have made a balanced judgement about the soundness of proposed site allocations and associated policies.

The Views, Density and Heights Study comprises two parts. We were a key stakeholder and adviser to the Council and its consultants on the Stage 1 Skyline and Views Report and we hope that this rich analysis will help the Council to secure forms of development that respond to, conserve and enhance some of the city's most important strategic views over the next two decades or more. Accordingly, we are keen that the policy framework within the Local Plan responds to this work and any future update or supplementary evidence on views.

In relation to the Stage 2 Sites Report, we were less involved, and our support is qualified. We recognise that this evidence goes some way to demonstrating that site capacities are likely to be achievable. When read alongside the Heritage Impact Assessment (HIA) it informs our position on whether general and site-specific policies in the Plan are, or can be made, sound, in relation to heritage considerations. However, it is a broadbrush analysis and the massings illustrated in the report are unlikely to represent an optimal solution for the strategic sites. For example, in our comments we have identified some (non exhaustive) examples of potential for harm to the settings of heritage assets that have not been adequately assessed within the Stage 2 report.

In view of these issues, it is important that the Plan is clear about some of the limitations of Stage 2. Much more work will be needed to develop effective masterplans for each site, preferably pursuing a place-shaping approach informed by detailed context appraisal and community engagement. We therefore believe that the Stage 2 report should be treated as evidence to inform the Plan and should not be given equal status to the more robust analysis in Stage 1, which we hope will also be a key consideration for future planning applications.

Notwithstanding these comments, we believe that the general policies and site allocation policies in the Plan could, with some adjustments, represent a foundation for positive place-shaping in Exeter. We are therefore requesting a series of changes to policies in the Plan to ensure an appropriate response to the evidence base for heritage. Our detailed comments on plan policies and supporting text are provided below as a schedule, which may also form the basis of a subsequent Statement of Common Ground.

Modifications: -

Requested to attend examination?: -

Ref: C-07-SKY

Representor: Chex Developments Limited C/O Zinc RE UK Limited

Chapter/section of the Exeter Plan: Evidence: Views, Density and Heights Study 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: This Views, Density and Heights Study is also a new addition to the Evidence Base for the emerging Exeter Plan, released as part of the Regulation 19 round of consultation. The document, dated December 2024, is split into two stages – Stage 1: Skyline and Views Report and Stage 2: Sites Report.

As above, the following comments are made on the document on behalf of the Client and with input from Iceni Projects' Heritage and Townscape Team:

- In relation to 'Step One' of the methodology, 'review', the list of documents reviewed does not differentiate between those that are adopted policy documents and those hold less weight. The 'Grecian Quarter, Exeter, Devon Height Constraints Analysis' was a study prepared for ECC by Alan Baxter dated November 2008 which looked at potential building heights. This document is no longer available to view on Exeter's website and does not form part of adopted planning guidance. The Liveable Exeter document is also not adopted planning guidance but instead a conceptual, strategic vision for the area intended to inform the preparation of the new local plan. The same can be said for the Exeter Density Study prepared by LDA Design and dated July 2021, which is also intended to be part of the evidence base for the local plan rather than planning guidance.
- Referring to steps 3 and 5, the Client would question the lack of winter context views as it appears that views were only taken in Summer between July and August 2024. This therefore does not take into account the varying foliage density throughout the year, which in turn impacts the level of screening in a given view.
- Page 45 lists a number of viewpoints which are considered to have historic significance. This list should arguably be amended to include Dunsford Road. In a pre-application response for the Site at Clarendon House, Historic England have advised that Dunsford Road is one of the principal historic routes into the Roman, Medieval and Saxon city of Exeter leading to its west gate. They state that there has been a long-standing historic association between this principal route into the city and the appreciation of the Cathedral as the city's landmark structure. As such, they place greater weight on this view in terms of the appreciation and significance attributed to the Cathedral. Based on the importance that Historic England associate with this view, it is unclear why it is not included in the list.
- Pages 56 and 57 look at the 'A02 Dunsford Road / Cowick Street' view. Regarding the 'Significance of the view' section, this states that the view "allows you to appreciate the scale of the Cathedral". The Client suggests that this should be amended to clarify that this is only of the upper sections of the Cathedral not the full scale as this has already been lost due to development.

- The Client also recommends that the penultimate sentence of the same paragraph is reworded. This currently states that:

“The view has existed for many centuries and experienced by many people, the busy thoroughfare will continue to be viewed by many people and is therefore very significant.”

This is misleading as it does not explain how the view has been subject to change through development, not least with the John Lewis Building and Holiday Inn, as well as the bulk of modern buildings in the foreground of the view. It is important to stress that this is not a wholly preserved 12th century view that the current text makes out.

- The ‘Managing Change’ section suggests that:

“Around the Cathedral, development should also not exceed the tree-line, so the Cathedral remains the most prominent feature on the skyline.”

The Client strongly objects the use of the treeline to limit developable heights as trees do not remain at a set height, they grow so the height will change.

- The paragraph goes on to state that:

“It is a kinetic view, changing as the viewer winds down the hill. The relationship between any new development and the Cathedral will change as the viewer moves along the route.”

This changing view is further alluded to in the ‘Enhancing the view’ section, which argues that:

“Should redevelopment be appropriate in the future, a collection of smaller massings would be beneficial. On the route itself, once you pass Dunsford and Orchard Gardens the road lacks greening (other than the St Thomas gardens).”

This suggests that the viewpoint location may not be a representative view. If ECC consider this to be a significant view, which changes along the road, the point of greatest significance should be accounted for.

- Throughout Part 2 of the document there appears to be a lack of consideration for topographical differences between sites. For example, in East Gate, two locations are shown as suitable locations for the tallest element of up to 10 storeys. However, this does not take into account the depression towards the roundabout which would result in 10 storeys at the Clarendon House site appearing lower on the skyline in comparison to 10 storeys at the site on the junction of Paris Street and Bamptylde Street.

[Diagram]

- This is illustrated on the topographical survey diagram above which shows the height in metres AOD of the suggested storeys for East Gate as well as the m taller than Clarendon House. This confirms that whilst both sites are indicative locations for taller buildings, 10 storeys at the site on the junction of Paris Street and Bamptylde Street would result in a building 6m taller than that at Clarendon House. Three of the sites allocated for heights of 8 storeys, would also be taller than 10 storeys at Clarendon House. Thus, without consideration for topographical differences, the suggested storey heights would not result in the landmark tall building envisaged at the Clarendon House site.

- A further example is on Page 20, where the topography of the river basin location is not accounted for. The Client argues that the suggested heights should be amended to take this into account.

- On Page 6 of the document, regarding the 'Character' of East Gate, it states that:

"To the south of Paris Street the Council office buildings are a notable and important landmark, reaching 5 and 6 storeys tall."

This is a direct conflict with ECC's Southernhay and Friars Conservation Area Appraisal document, which states that 'the Civic Centre is an entirely alien structure made of uncompromising concrete panels'. Later in the document it is also noted as a 'building which makes a negative contribution'.

- Similarly to the comment on Part 1 above, Dunsford Road, is again missing from the Key Views listed on Page 11. As discussed previously, as part of pre-application discussions for the Site at Clarendon House, which lies in East Gate, Historic England have advised that Dunsford Road is one of the key views. As such, it should arguably be included in the list.

Modifications: -

Requested to attend examination?: Yes

Ref: D-01-SKY

Representor: Devon Archaeological Society

Chapter/section of the Exeter Plan: Evidence: Views, Density and Heights Study 2024

Policy: -

Paragraph: -

Site: -

Legally Compliant?: -

Sound?: -

Duty to Co-operate?: -

Comments: We are pleased to see the 'Views, Density and Heights Study' by Allies and Morrison and welcome and commend these studies as significant contributions to the city's planning strategy. Clearly a document received in December 2024 cannot have informed any of the policies in the Plan, and we object to the fact that no attempt has been made to integrate this in any way. One might anticipate from the use of the term 'Evidence Base' that such a document would serve as a foundation to the Plan preparation process, and not as a late bolt-on which can only exist alongside previously formulated policies. Nevertheless, the study will provide essential guidance for assessing future applications relating to these sites and we urge the city council formally to adopt this document as a part of planning policy.

Modifications: -

Requested to attend examination?: -