

Regulation 19 Representations

EAST DEVON LOCAL PLAN 2020-2042

Prepared on behalf of
“GREENHAYES”

GREENDALE GROUP AND CREALY FARMS

JANUARY 2026

BLACKBOXPLANNING.CO.UK

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1 Introduction

- 1.1 These Representations have been prepared by Black Box Planning on behalf of “Greenhayes”, comprised of Greendale Group and Crealy Farms, in response to the Second Regulation 19 Local Plan Consultation for the East Devon Local Plan 2020-2042 which runs between Friday 28th November 2025 and Monday 26th January 2026.
- 1.2 They are made further to those made by Greenhayes at the First Regulation Local Plan Consultation held between February and March 2025.
- 1.3 Greenhayes is a strategic promotion for a thriving new community which seeks to utilise and build on existing assets locally, such as the Greendale Farm Shop complex, which already offers a range of services and facilities, taking advantage of the strong connections to significant employment hubs in the locality and the proposed expansion of the Clyst Valley Regional Park.
- 1.4 Greenhayes is identified within the emerging Plan evidence base as a reasonable alternative considered as part of the proposed delivery of a Second New Community, to be known as Marcombe. Accordingly, to be a reasonable alternative, it must be capable of meeting the objectives of the emerging Local Plan. Greenhayes is strongly supportive of a new community in the West End of the District. However, the plan will require several modifications if it is to be concluded as sound.
- 1.5 The Greenhayes proposal is the vision of two local farming families, the Carter family (FWS Carter & Sons Ltd) and the Down family (Crealy Farms) who have been working comprehensively for several years to promote a carefully designed and sustainable new community to integrate into the established employment sites at Greendale Business Park, Greendale Farm Shop and Crealy Theme Park and Resort. The Greenhayes Vision Document is provided at **Appendix 1**.
- 1.6 There is a cogent case to incorporate it within the emerging plan, but it has been excluded without detailed rationale and justification.
- 1.7 The Greenhayes masterplan, provided at **Appendix 2**, sets out an opportunity to deliver:
 - A new, thriving community south of the A3052 Sidmouth Road potentially comprising of circa 2,000 no. homes (including both affordable and self-build and custom-build properties);
 - A ready-made, thriving neighbourhood centre with an enhanced Farm Shop and café / restaurant at its core, together with a variety of supporting community services and facilities, such as retail, nursery and medical facilities;
 - A new two-form entry 420-place primary school facility;
 - A sustainable active travel corridor focused on the A3052 providing wheeling and walking connections into Exeter, Clyst Mary and into the proposed new community;
 - Highway infrastructure improvements along the A3052 enabling access;
 - Park and ride facility shared with Crealy visitor parking;

- Significant green infrastructure, providing strong recreational and biodiversity linkages into the Clyst Valley Regional Park project;
 - Health, well-being and sports venue with playing pitches, gym, facilities and events venue;
 - Rebalancing the resident to jobs ratio locally given the established and significant employment provision at Greendale and Hill Barton Business Parks and Crealy Theme Park and Resort already providing in the region of 3,600 no. jobs on the doorstep, meaning that place of work is located alongside place of residence, reducing the necessity for out-commuting for new residents and rebalancing the current trend of in-commuting; and
 - Increased renewable energy infrastructure, building on the 1.3MW anaerobic digestion plant already operated at Greendale Business Park.
- 1.8 The opportunities and constraints that inform the Greenhayes masterplan are provided at **Appendix 3**.
- 1.9 It remains clear that the emerging plan and previous consultation were artificially brought forward to fall within the provisions of the Transitional Arrangements for Plan Making as set out in the December 2024 version of the NPPF at Annex 1: Implementation.
- 1.10 However, as set out in our previous Representation, the First Regulation 19 Consultation did not fully meet the requirements of Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and therefore did not meet the Transitional Arrangements.
- 1.11 These steps were deliberately taken by the Council in order to work towards against an arbitrarily capped housing requirement (950 dwellings per annum), rather than the full local housing need as calculated by the Government's standard method (1,188 dwellings per annum) – equating to a significant difference of 5,236 no. homes over the 22-year plan period.
- 1.12 This is a critical issue and one which has real world consequences - equating to a significant difference of 5,236 no. less homes delivered over the 22-year plan period. To put this into some perspective, this is more than the entirety of the Council's housing waiting list which had 4,909 no. households registered on it in 2025.
- 1.13 It is also clear that, in accelerating the Local Plan timetable, to meet the Transitional Arrangements, there were several unresolved matters and significant evidential gaps in the First Consultation, which were acknowledged by the Council at the time, which thus necessitated this Second Consultation (in accordance with Regulation 19). These shortcomings go to the heart of the tests of soundness and should be available prior to consultation of a pre-submission Local Plan.
- 1.14 Section 20(2) of the Planning Compulsory Purchase Act 2004 is clear that a local planning authority must not submit a development plan document unless they think the document is ready for independent examination. Before submitting a plan under Section 20, the local authority must also comply with Regulation 19.

- 1.15 These Representations have set out matters in respect of soundness and legal compliance which require resolution prior to the plan being advanced for submission to the Secretary of State for Examination under Section 20.
- 1.16 If the Plan were submitted at this stage, it could not be concluded as being positively prepared, justified, effective or consistent with national policy.
- 1.17 It will be set out that, in order to address serious issues of soundness, it would be entirely appropriate to identify 2,000 homes at Greenhayes, immediately to the south of the current preferred location for Marlcombe. This would enable the new community to come forward in accordance with the Government's New Town Programme which envisages at least 10,000 homes, as well as aiding early infrastructure delivery alongside housing delivery in a sustainable manner within the plan period.
- 1.18 Greenhayes would very much welcome further engagement with the Council to set out a Local Plan which is robust, with sustainable development at its heart. This includes discussion on the role that Greenhayes could play in the successful delivery of the plan and the provisions relating to the expansion of the CVRP.
- 1.19 These Representations are structured as follows:
- Section 2 - Promotion Overview
 - Section 3 - National Policy and Regulation 19
 - Section 4 - Sustainability Appraisal and Legal Compliance
 - Section 5 - Tests of Soundness
 - Section 6 - Conclusions

2 Promotion Overview

- 2.1 The Greenhayes promotion site is defined by the site location plan at **Appendix 4**. As set out above, it is within the control of two landowners and there are no barriers to delivery, in contrast to the negative landowner assessment set out in the Sustainability Appraisal for the First Consultation.
- 2.2 The majority of the Greenhayes land control was previously given HELAA reference GH/ED/64 and this mostly covers the land south of the A3052 Sidmouth Road between Crealy and Greendale Business Park, incorporating the current Farm Shop site.
- 2.3 The Greenhayes land control also incorporates: two fields adjacent to the Sidmouth Road between the Farm Shop site and the access to the Business Park (forming part of ref GH/ED/63); and a single field to the north of the Sidmouth Road (ref GH/ED/62).

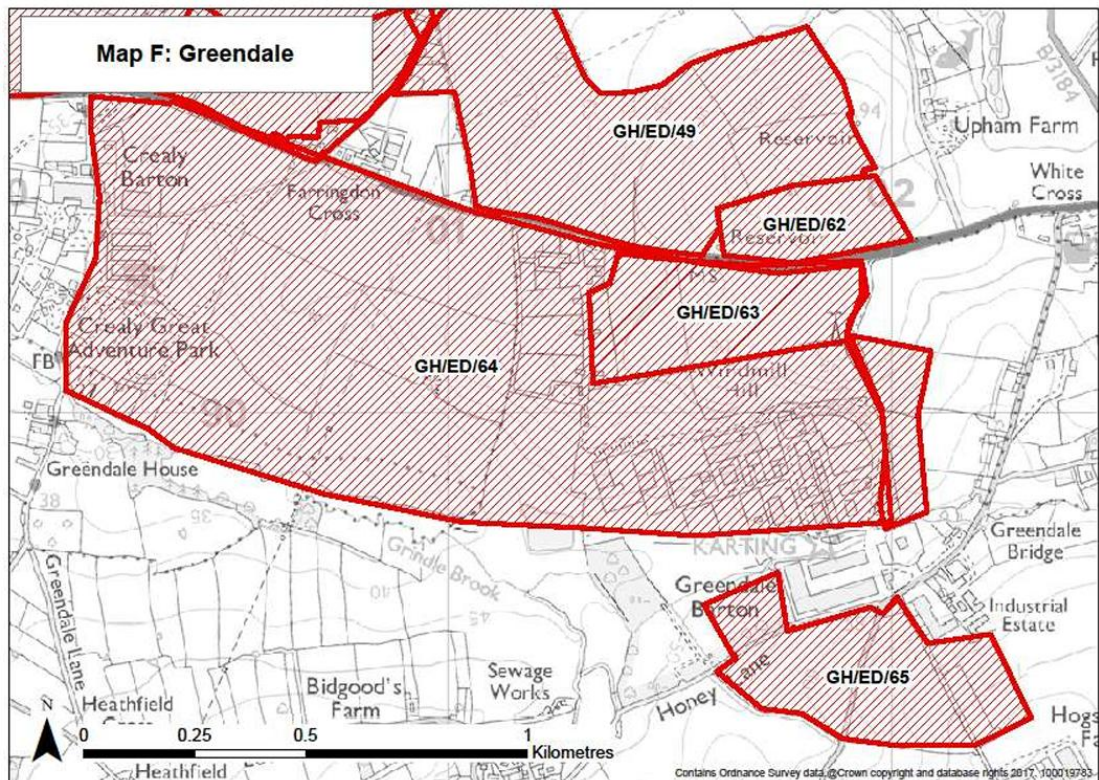
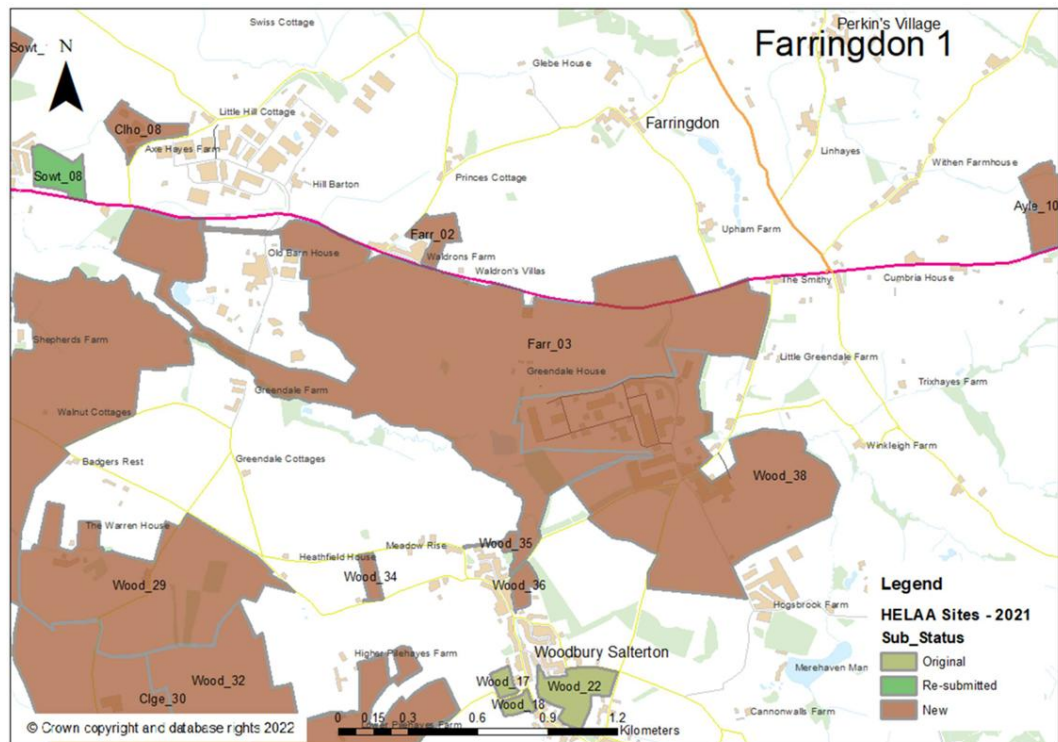


Figure 1 - 2017 HELAA Site Map (ref HOU-003 – Appendix D(i))

- 2.4 Subsequently, the Greenhayes land control was consolidated into a single HELAA reference Farr_03 shown overleaf below.



Appendix D(ii) Page 46

Figure 2 - 2021 HELAA Site Map (ref HOU-003 – Appendix D(ii))

2.5 The majority of the land control at Greenhayes was incorporated into Option 2 shown below which was assessed in the CBRE October 2022 report East Devon: Options for a Potential New Settlement (ref NWC-001).

Option 2

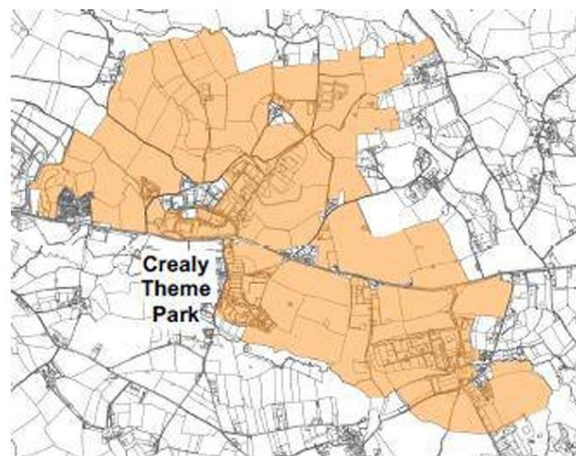


Figure 3 - Option 2 - CBRE Options for a New Settlement (ref NWC-001)

2.6 In response to the Regulation 18 consultation, Greendale Group and Crealy Farms submitted representations in January 2023 which principally set out the shortcomings of the CBRE October 2022 report.

2.7 It is well established that Option 1 from the CBRE report was identified by the First Consultation as being an appropriate area of land for a Second New Community (to be known as Marlcombe) to be allocated under Policy WS01. The location of Option 1 is shown in yellow to the north of the Sidmouth Road on the inset policy map below from the First Consultation. It is understood that an extension of the Clyst Valley Regional Park (CVRP) is proposed under Policy WS09 to expand to the south of Marlcombe in part over the land control of Greenhayes.

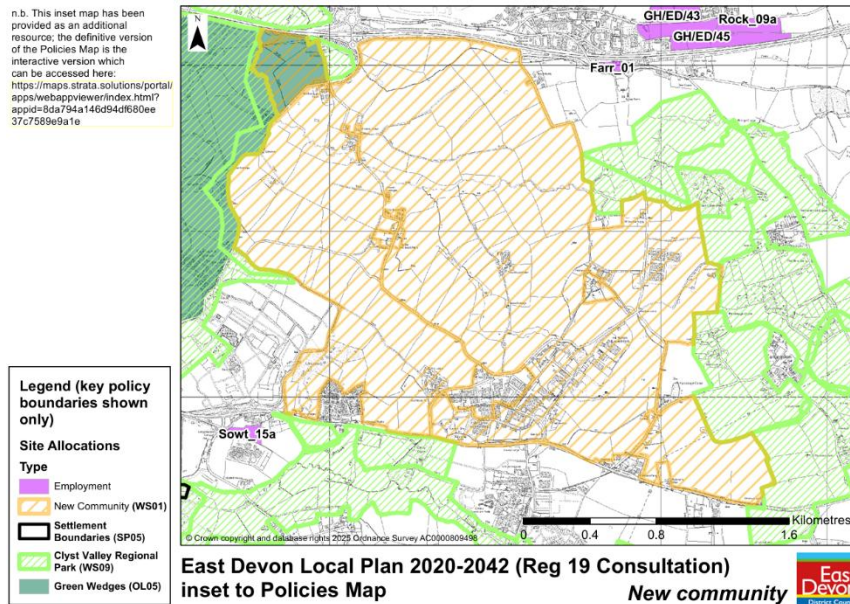


Figure 4 - Policies Map (New Community Inset Map)

- 2.8 Furthermore, it is also understood that the Greenhayes land control is broadly inset between Marlcombe (WS01) and extension of the CVRP (WS09) within what will effectively become “white land”.
- 2.9 Subsequently, through this Second Consultation, the Council has identified a broad arrangement of different land uses within Marlcombe as part of the Marlcombe Vision Document (extract overleaf). This masterplan maintains the broad arrangement of proposed development areas and also the proposed extension of the CVRP as explained above.
- 2.10 Immediately adjacent to the Greenhayes promotion site to the south of the A3052 Sidmouth Road, the Council has identified various extension areas to the existing Hill Barton Business Park to the north of the road (employment, materials recycling facility and energy infrastructure). These are mostly located adjacent to Crealy Theme Park and Resort.
- 2.11 The Council has also identified an active travel route which terminates at the Sidmouth Road roughly in the current location of the Farrington Cross bus stops and a “sports hub” immediately adjacent to the Greendale Farm Shop.



Figure 5 - Marlcombe Vision Document – page 26 (ref NWC-003)

- 2.12 Notwithstanding the absence of Greenhayes within Marlcombe, the proposed extension area of the CVRP appears to broadly accord with the Greenhayes masterplan, and is largely within the ownership of the same, submitted to the Regulation 18 consultation.
- 2.13 Our overlay provided at Figure 7 demonstrates that most of the proposed built form on Greenhayes is located within “white land”. However, there are some conflicts between the Greenhayes masterplan and the CVRP apparent in the following areas:
- Ref 6 – the proposed employment area in the east of the masterplan
 - Ref 8 – the proposed lower density residential area adjacent to parkland (southern part)
 - Ref 9 - the proposed park and ride facility to the west of Crealy (western part)
 - Ref 20 – the proposed medium density residential area in the east of the masterplan
- 2.14 The CVRP has been incorporated on the land controlled by Greenhayes without consultation. Accordingly, as currently set out, they object to the proposed designation of the CVRP over these areas. The extension of the CVRP needs to be considered as a package alongside the delivery of sustainable economic development and the extension of the proposed community in this area. Greenhayes are supportive of a plan-led system and are open to engagement, but

at this stage, it does raise a relevant concern about the deliverability of the CVRP objectives in the absence of any meaningful engagement.

- 2.15 Greenhayes would question the intention regarding the inset “white land” between Marlcombe and the CVRP, which broadly accords with the Greenhayes masterplan. If the intention is that this is to be safeguarded for a future expansion area for Marlcombe, then this should be explicitly set out by the Local Plan. It is considered necessary that the CVRP and the future expansion area of Marlcombe should go further in being incorporated within the plan because they are required to meet development needs during the plan period, especially given that the emerging plan should be examined in the context of its full objectively assessed need, set out in the December 2024 NPPF, rather than the artificial 80% cap in the Transitional Arrangements.
- 2.16 The inclusion of Greenhayes within the emerging masterplan provides the opportunity to substantially enhance the effectiveness and deliverability of the CVRP as a major green infrastructure asset. It will also enhance connectivity and the integration of several existing economic assets, including a range of local services and facilities which will support the economic and social infrastructure of the New Town.
- 2.17 As set out in Section 1, the Greenhayes promotion is considered as part of the Option 2 reasonable alternative within the Sustainability Appraisal. For a site to be a reasonable alternative, it must be capable as being an alternative for the purposes of meeting the plan objectives. The emerging plan recognises that a further 2,000 homes will be required in due course to complete the full New Town provision. Given the assessment of Greenhayes in the Sustainability Appraisal, it is irrational to exclude it from the plan. To do otherwise would mean that it is neither positively prepared, nor justified.



Figure 6 - Greenhayes Masterplan

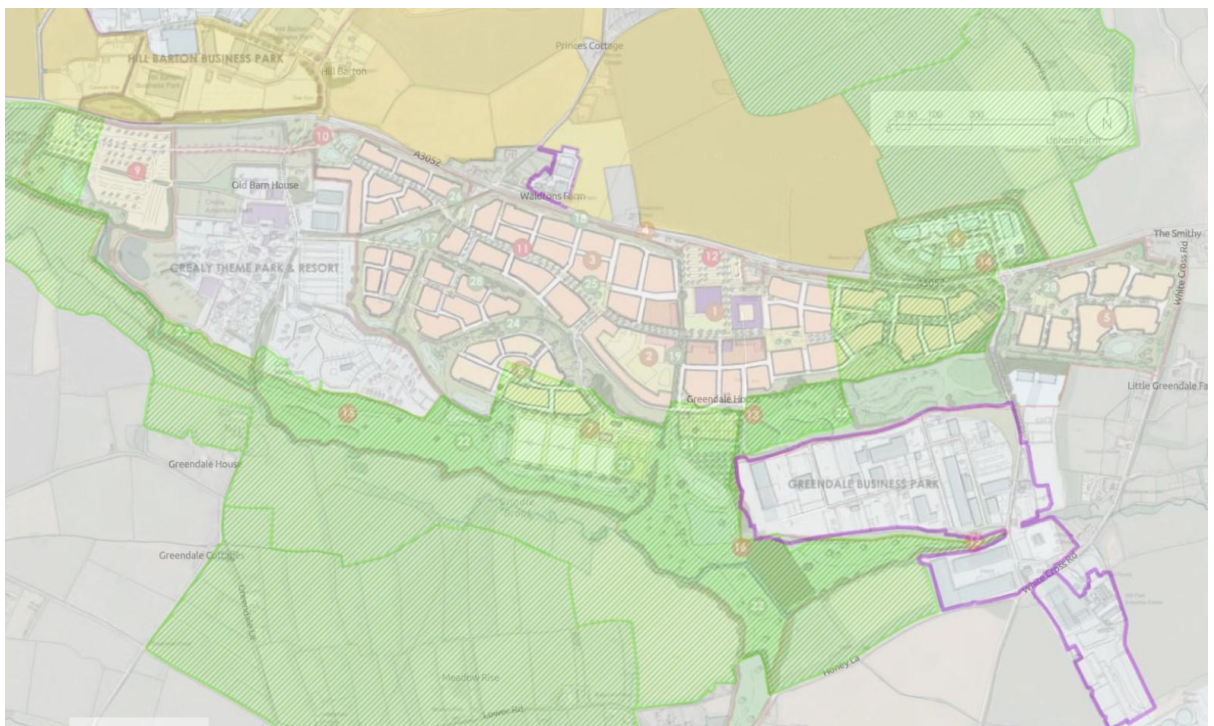


Figure 7 - Greenhayes Masterplan with Reg 19 policies overlay (First Consultation)

3 National Policy and Regulation 19

- 3.1 The current National Planning Policy Framework was published in December 2024. However, it included provisions, within Annex 1, to enable draft local plans to continue preparation and examination, as part of the Transitional Arrangements, in accordance with the previous December 2023 version of the NPPF.
- 3.2 The Transitional Arrangements are set out at NPPF Paragraph 234, which identifies that for the purpose of preparing local plans, the policies in the current version of the Framework will apply from 12th March 2025.
- 3.3 This is the case except where the plan has reached Regulation 19 (pre-submission stage) on or before 12th March 2025, and its draft housing requirement meets at least 80% of Local Housing Need (refer to NPPF Paragraph 234(a)). In which case, the plan will be examined under relevant previous version of the Framework.
- 3.4 NPPF Paragraph 237 sets out that those local plans that comply with NPPF Paragraph 234(a) referenced above, should proceed to examination within a maximum of 18 months from 12th December 2024 (i.e. 12th June 2026), or 24 months of that date if the plan has to return to the Regulation 18 stage.
- 3.5 It is understood that East Devon District Council consider that the Transitional Arrangements are engaged as the plan had “reached Regulation 19 stage” on or before 12th March 2025 and therefore the plan should be examined against the previous version December 2023 version of the Framework.
- 3.6 As comprehensively set out in our earlier representation, Greenhayes consider that the plan had not “reached Regulation 19 stage” on or before 12th March 2025 in consideration of the meaning given at Footnote 82 and the Town and County Planning (Local Planning) (England) Regulations 2012.
- 3.7 NPPF Footnote 82 explains that in this context “reached Regulation 19” refers to when Regulation 19 **has been complied with**. Accordingly, Regulation 19 of the Town and County Planning (Local Planning) (England) Regulations 2012 states, in full, that:

‘Before submitting a local plan to the Secretary of State under Section 20 of the Act, the local planning authority must:

- (a) Make a copy of each of the proposed submission documents and a statement of the representations procedure available in accordance with Regulation 35;*
- (b) Ensure that a statement of the representations procedure and a statement of the fact that the proposed submission documents are available for inspection and of the places and times at which they can be inspected is sent to each of the general consultation bodies and each of the specific consultation bodies invited to make representations under Regulation 18(1)‘.*

- 3.8 Regulation 17 sets out the application and interpretation of Part 6 (which includes Regulation 19). This sets a legal definition for “*proposed submission documents*” and this extends (inter-alia) to:

(a) *“the local plan which the local planning authority propose to submit to the Secretary of State”*

(e) *“such supporting documents as in the opinion of the local planning authority are relevant to the preparation of the local plan”*. i.e. the full local plan supporting evidence base.

- 3.9 Section 20(2) of the Planning Compulsory Purchase Act 2004 is clear that a local planning authority must not submit a development plan document unless they think the document is ready for independent examination. Indisputably, the Council did not consider the document to be ready for independent examination at that time of the First Consultation. It simply was not the plan that the Council proposed to submit to the Secretary of State.
- 3.10 The Transitional Arrangements at NPPF Paragraph 234 and Footnote 82 are therefore purely a consideration of legal compliance, and the First Consultation evidently did not comply fully with the procedural requirements of Regulation 19.
- 3.11 Furthermore, as evidenced in our earlier representation, the full evidence base had still not been published at and beyond the 12th March 2025. Within the evidence base published on the Council website, various references were made at the time to missing documentation:
- HOU-015 *“Additional document to follow consultation”*
 - CCF-001 *Water Cycle Study “to follow”*
 - HCO-004 *Playing Pitch Strategy “to follow soon”*
 - HCO-005 *Open Space Strategy “potential study that may be produced”*
 - HRD-004 *East Devon Heritage Strategy (2024-2042) “to follow consultation”*
- 3.12 Even at the time of the Second Consultation, the full evidence base remains unavailable as the following remains on the Council website:
- HCO-004 - *Playing Pitch Strategy - external consultants are undertaking this work and the strategy is in production*
- 3.13 Clearly, the Council considers these documents to be entirely relevant to the preparation of the plan, being listed on the Council's own published evidence and examination library.
- 3.14 Additionally, the draft Policies WS01 and WS02 published during the First Consultation acknowledged that critical evidence base documents such as an Infrastructure Delivery Plan for the Second New Community and a viability assessment had not yet been commissioned. For example, it had no idea how much affordable housing could viably be delivered. This is a serious failing.
- 3.15 Furthermore, various evidence base documents were published following the start of the First Consultation, meaning that the full six-week period was not available to representors with the benefit of the full local plan and comprehensive evidence base. A request was made in writing by Greenhayes for an extension to the consultation in order to ensure the full six-week period was available to representors, however this was declined. This in itself is contrary to the Regulations. Please refer to evidence attached at **Appendix 5**.

- 3.16 Since the First Consultation, it is recognised that there has been an addition to the Planning Practice Guidance (PPG) which states as follows:

How do the implementation aspects of the NPPF apply to plans where more than one round of Regulation 19 consultation has been undertaken?

Some local planning authorities may undertake more than one round of Regulation 19 consultation on a plan. Where this is the case, for the purposes of implementing Annex 1 of the Framework, a plan is normally to be taken as having reached the Regulation 19 stage at the date on which the first round of Regulation 19 consultation commenced.

However, in some limited circumstances, a plan is to be taken as having reached Regulation 19 on the date that a subsequent round of consultation commenced. These limited circumstances could include instances such as when the content of an emerging plan has changed significantly from the one presented at the initial Regulation 19 stage.

Paragraph: 86 Reference ID:61-086-20250616

Revision date: 26 06 2025

- 3.17 Firstly, this expression of national policy does not override the clear legal and procedural requirements of Section 20(2) and Regulation 19 for the local plan to be the version the Council proposes to submit for examination. This is an essential part of the legal definition of ‘proposed submission documents’ which is referred to at Footnote 82.
- 3.18 At the time, the First Consultation (ref Page 5) did acknowledge that it represented the first planned phase of Regulation 19 consultation with second phases planned to run from Spring 2025 to early summer. At the time, it was also acknowledged that *“the plan in current draft form covers all local plan matters with the exception of full policy details on the new community proposals”*.
- 3.19 It was also stated that *“Evidence work, as at early 2025, is ongoing in respect of the new community as well as on other inter-related local plan matters. Once this evidence work is completed, and policy gaps in the plan can be filled in, and further policy refinement undertaken, the second phase of consultation will take place”*.
- 3.20 However, the November 2025 officer report to Strategic Planning Committee acknowledged¹ that *“the most significant changes are made in respect of policy in the plan for the new community (2nd after Cranbrook) as now named and referenced in the plan as Marcombe. The key intent of running the 2nd stage of consultation was specifically to address new community / Marcombe plan policy”*.
- 3.21 Unquestionably, there is an acknowledgement by the Council that the content of the plan has changed from the First Consultation to the Second Consultation. It might have been justifiable in the context of the June 2025 PPG allowance (referred to above), to have dealt with more subsidiary policy or evidence matters as part of this Second Consultation, but the Council is

¹ Paragraph 2.4 – Officer Report to Strategic Planning Committee – 25th November 2025

essentially openly acknowledging that the single most important component of their plan, upon which its success or failure is dependent, was insufficiently evidenced at the time of the First Consultation and not ready for independent examination.

- 3.22 Irrespective of whether the overall spatial strategy has remained consistent, there are evidently widespread changes to the plan, and its evidence base, that indicate that the content of the proposed submission plan has changed significantly.
- 3.23 It would appear that the Council is fully aware of its precarious circumstances with respect the Transitional Arrangements, with officers having advised Strategic Planning Committee in September 2025² *“we need to be very wary of the potential for challenges around whether we fall foul of rules around having two or more stages of consultation”*.
- 3.24 This representation considers that the plan does not fully accord with Regulation 19 at the time of writing and unequivocally this was not the case by 12th March 2025. In accordance with NPPF Paragraph 234, the plan should therefore be examined under the policies of the current version of the Framework.
- 3.25 Plainly, under normal circumstances, the plan would not have proceeded to Regulation 19 consultation in March 2025 given its premature and incomplete state at that time and it was self-evidently published merely in attempt to benefit from the Transitional Arrangements – with the outcome being delivering less housing than is needed. This is a completely contrived position which wholly disregards the policy and procedural requirement to plan positively.
- 3.26 Moving forward, the Plan should be examined in accordance with the December 2024 NPPF and meet its full housing requirement, having regard to the Local Housing Need as calculated by the up-to-date Standard Methodology.
- 3.27 Of particular relevance for this Regulation 19 consultation are the Tests of Soundness, set out at NPPF Paragraph 36, namely, whether the plan is:
- (a) Positively prepared;
 - (b) Justified;
 - (c) Effective; and
 - (d) Consistent with national policy.
- 3.28 It is Greenhayes position that there is much to be applauded within the Local Plan as currently drafted. However, it plainly does not go far enough to meet the full objectively assessed needs and development requirements of the District in a sound manner.

² Paragraph 2.9 – Officer Report to Strategic Planning Committee – 2nd September 2025

4 Sustainability Appraisal and Legal Compliance

4.1 This chapter of the representation sets out the previous comments made by Greenhayes in response to the Sustainability Appraisal (SA) in the First Consultation. It also sets out the Council's response and any actions from the revised SA (ref CSD-003) in the Second Consultation. Any further responses from Greenhayes are set out accordingly.

4.2 **Original Greenhayes comment:** NPPF Paragraph 33 requires that local plans should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).

Council response: Noted

4.3 The Planning Practice Guidance (PPG) further explains that a sustainability appraisal is a systematic process that must be carried out during the preparation of local plans. Its role is to promote sustainable development by assessing the extent to which the emerging plan, when judged against reasonable alternatives, will help to achieve relevant environmental, economic and social objectives.

Council response: Noted

4.4 **Original Greenhayes comment:** At the time of writing (First Consultation), it is understood that Sustainability Appraisal (SA) (ref CSD-003) – Appendix Six and pages 265 through 280 represents the full extent of the Council SA work in respect of consideration of the Second New Community.

Council response: Disagree – the new community is also considered in the SA of the Spatial Strategy and Strategic Housing Growth Options.

Greenhayes response: It is recognised that proportionate SA work would have been undertaken at other earlier stages of Local Plan production. However, on the premise that the First Consultation complied with Regulation 19 by supposedly comprising a plan which the Council intended to submit to the Secretary of State and contained those supporting documents which are relevant in the opinion of the Council, then the Greenhayes comment was evidently a strong criticism that the SA work on such a critical component of the Regulation 19 plan extended to only 15 pages.

4.5 **Original Greenhayes comment:** Firstly, it is somewhat surprising for such a critical component of the Council's Plan and overall spatial strategy, that the SA work extends to only 15 pages of a 614-page document. This point is especially pertinent in consideration of the reasonable alternatives, the complexity of these and their requisite assessment in order to arrive at an evidenced and methodical conclusion.

Council response: Disagree – the new community is also considered in the SA of the Spatial Strategy and Strategic Housing Growth Options.

Greenhayes response: Same as above.

- 4.6 **Original Greenhayes comment:** Secondly, whilst it is understood that the SA is required to assess reasonable alternatives, and that the Options from the October 2022 CBRE report were chosen as the basis for undertaking that assessment, there is little in the way of discussion around alternative options or sub-options for assessment.

Council response: Disagree – the SA report contains discussion on various potential options. The SA report explains that smaller scale development of 2-3 new villages, rather than a single larger new settlement, offers less potential to accommodate a mix of uses and consequently poorer access to jobs and services, and greater carbon emissions. An option for a new town and a new village is not considered to be a reasonable alternative as it would deliver even more housing in the West End and therefore limit the potential to meet housing needs and support the economy in the rest of the district, not consistent with the Local Plan Vision, and due to deliverability concerns regarding multiple new settlements being under construction at the same time.

Greenhayes response: This is an irrational position to take. It is the position of Greenhayes that the Council should identify where the additional 2,000 dwellings and associated land uses may be located. The only logical expansion location for Marcombe would be at Greenhayes. It evidences that the Council are using the 80% threshold of the Transitional Arrangements as a target. A supply of deliverable homes, which would meet their stated objectives for strategic development generally and the New Town specifically, is being defied without any rationale.

It is considered that Option 2, and particularly the Greenhayes component of it, has suffered to an extent because of the finite way in which the options have been defined by the October 2022 CBRE report – with Option 1 being focused between the A30 and A3052 corridors, Option 2 being focused on only the A3052 corridor and Option 3 being focused between the A376 and A3052 corridors. For example, Option 1 and Option 2 overlap, so do not represent truly distinct alternatives to each other. Essentially, the Greenhayes promotion suffers by not being included within Option 1.

Whilst the Greenhayes promotion is conceptualised on self-containment, building on the success of pre-existing services, facilities, infrastructure and employment base, given its relative smaller size, it certainly does not need to be in lieu of the Council's objective of delivering a Second New Community. Indeed, it is the position of Greenhayes that it should instead be added to an expanded Marcombe, given its location can deliver a number of wide ranging significant benefits, extending to early delivery of infrastructure in the form of a 'ready made' local centre, enabling of connections to Greendale Business Park and delivery of the southern extent of the proposed Clyst Valley Regional Park extension.

- 4.7 **Original Greenhayes comment:** By way of example, despite Greenhayes submitting a representation in January 2023 definitively confirming the extent of their land control and the basis on which a strategic promotion could be brought forward and contribute towards the Council spatial strategy and objective to deliver a Second New Community, the reasonable alternative assessed by the SA in February remains as per the broad Option 2 set out in the October 2022 CBRE report.

Council response: The SA report explains that smaller scale development of 2-3 new villages, rather than a single larger new settlement, offers less potential to accommodate a mix of uses and consequently poorer access to jobs and services, and greater carbon emissions.

Therefore, the three new community options that were appraised are all around 500 hectares to accommodate 8,000 dwellings plus employment land, and a range of services and facilities.

Greenhayes response: As above, but additionally the basis of Option 2 was essentially constructed on the premise of the 2017 HELAA submissions and the various options have not necessarily been refined or adapted over time to reflect the 2021 HELAA submissions and representations to the Local Plan process – remaining as per the options set out in the October 2022 CBRE report. This is particularly the case in respect of the Greenhayes promotion which is not comprehensively covered by any of the assessed options. In taking this approach, the Council have been closed to the information before them.

- 4.8 **Original Greenhayes comment:** Option 2 is not consistent with the Greenhayes promotion land control as set out in the January 2023 Regulation 18 representation, instead it is based upon more outdated 2017 and 2021 Call for site submissions. Indeed, the very western extent of the Greenhayes promotion straddles into Option 3. The SA itself acknowledges on page 266 that land not being submitted to a Call for sites exercise would not necessarily prevent it from being considered.

Council response: The three new community options that were appraised are all around 500 hectares in size, with the western extent of the Greenhayes promotion being in Option 3 rather than Option 2.

Greenhayes response: As above, the Greenhayes promotion should be covered comprehensively by at least one of the assessed SA options for the Second New Community. Irrespective, it is the position of Greenhayes that it should be added to the preferred Option 1 as part of an expanded Marlcombe.

- 4.9 **Original Greenhayes comment:** The SA sets out on page 265 that:

- The Local Plan 2020-2042 will allocate land for 8,000 homes and accompanying employment, services and facilities etc, but there is a longer term vision for 10,000 homes at the new community;
- Long lead-in times and build-out rates for a new settlement mean that 3,300 dwellings are proposed in the plan period up to the year 2032;
- The remaining 4,700 dwellings would be delivered after 2042 on the remainder of the allocated land;
- The land required for the additional 2,000 dwellings and associated land uses will be allocated in a future Local Plan.

Council response: Noted

Greenhayes response: It is the position of Greenhayes that the Council should identify where the additional 2,000 dwellings and associated land uses may be located. The only logical expansion location for Marlcombe would be at Greenhayes. The absence of any response to this issue undermines the comments raised by the Council in respect of Paragraph 4.6 above. This is an irrational position to take. It evidences that the Council are using the 80% threshold of the Transitional Arrangements as a target. A supply of deliverable homes, which would meet their stated objectives for strategic development generally and the New Town specifically, is being defined without any rationale.

- 4.10 **Original Greenhayes comment:** The SA recognises that the location of the three options recognise existing land uses that are not likely to relocate, such as Greendale Business Park and Crealy Theme Park and Resort. Nevertheless, Option 2 appears to wash over both land uses. The Greenhayes promotion demonstrates how the co-location of residential uses with these employment hubs and ensuring strong links between them, could contribute significantly to meeting wider sustainability objectives, including reducing the necessity to commute by private vehicle and to encourage active travel as part of the daily commute.

Council response: Noted

Greenhayes response: Greenhayes welcome the Council acknowledging the benefits of the Greenhayes promotion in this regard, but this has not been incorporated into the plan in any material way. For example, even without development at Greenhayes, the Marlcombe masterplan fails to make appropriate provision for connections to the established facilities at Greendale Farm Shop and businesses at Greendale Business Park. It appears that the proposed location of the “sports hub” in the Marlcombe masterplan prevents an active travel route from making an important connection to the Greendale Farm Shop complex, instead terminating in the approximate location of the Farringdon Cross bus stops, with seemingly no onward destination to the south of the A3052.

- 4.11 **Original Greenhayes comment:** The assessment in SA Objective 4 and 13 and also the conclusion that Option 2 is isolated from existing cycle infrastructure, fails to recognise that the Clyst Valley & New Communities Local Cycling and Walking Infrastructure Plan (LCWIP) January 2025 (ref TRI-018) identifies the A3052 Sidmouth Road as a critical active travel route that all new settlement options will further increase demand upon. It is stated that ‘*a high-quality protected route, separated from the carriageway by a buffer should be delivered between Clyst St Mary and Greendale. To include crossing points (e.g. signalised crossings) for the Clyst Valley Trail, Cat & Fiddle, Crealy, and Greendale. This would required engagement and negotiation with landowners*’.

Council response: The SA of the three new community options contains mitigation measures to address adverse effects and maximise beneficial effects, which include the provision of “high quality, safe and direct cycle routes” and Options 1 and 3 should link with the proposed Clyst Valley Trail. Cycle route improvements from new settlement options identified in the Clyst Valley & New Communities LCWIP are referenced in Appendix Two. Nevertheless, it would be useful to specifically refer to the other LCWIP mitigation measures relevant to Option 2.

Council action: add reference to Clyst Valley & New Communities LCWIP routes at ‘A3052 Sidmouth Road’ and ‘Woodbury Quiet Lanes’ as mitigation measures for Options 1, 2 and 3.

- 4.12 **Original Greenhayes comment:** Option 2 is the only option which would offer land control on both sides of the A3052 corridor to enable delivery of the critical active travel route as set out by the LCWIP. It would also be the only option which would enable the delivery of the requisite connections into Crealy and Greendale.

Council response: Noted, but the active travel route could be delivered along the north of A3052 as part of Option 1, with crossings if appropriate into Crealy and Greendale.

Greenhayes response: It is noted that there appear to be several ‘missing gaps’ in the land control for Marlcombe immediately to the north of the A3052 corridor – such as Cat & Fiddle,

around Farringdon Cross and several other residential dwellings. Whereas, the Greenhayes promotion would offer a circa 2.5km – 3km continuous land control to the south of the A3052 corridor – between Exeter City training ground and White Cross. Furthermore, the LCWIP envisages connections being made into Greendale Business Park, which Option 1 could not fully facilitate, unlike Option 2.

- 4.13 **Original Greenhayes comment:** The assessment in SA Objective 4 recognises the potential in Option 1 for a low carbon district heating network by connecting to the proposed Energy from Waste (EfW) plant at Hill Barton. However, it fails to consider that Option 2 would also benefit from this facility, given its location adjacent to Hill Barton Business Park and the Local Development Order boundary for the District Heating Network.

Council response: Agree that the commentary should be clarified to reflect that each of the Options is either within or near the proposed Hill Barton EfW plant, but this does not change the conclusion that Option 1 is preferred on this matter.

Council action: amend Objective 4 commentary to state that “Due to the EfW plant location at Hill Barton, Options 1 and 2 benefit from direct connection to a low carbon district heating network, but Option 1 is preferred in this matter as it transits the proposed route of a district heating connector so offering a cheaper and easier solution.”

- 4.14 **Original Greenhayes comment:** It also fails to recognise that Option 2 would also enable opportunities to build upon the existing energy infrastructure at Greendale Business Park in the form of the anaerobic digester facility. The plant currently processes farm crops and livestock manure into biogas and bio fertiliser. The biogas is used to produce electricity for the Business Park, whilst the bio fertiliser is used in local agricultural practice in place of fossil fuel derived fertilisers.

Council response: Noted, but no detail as to whether the cited anaerobic digester facility is of a significant scale to warrant consideration – the Greendale anaerobic digester facility is not included in evidence “East Devon New Community Net Zero and Climate Risk Review of Option Sites, October 2022”.

Greenhayes response: The Greendale anaerobic digester (AD) facility is a 1.3MW plant which in terms of energy output, generates approximately 10.2 GWh energy per annum. The electricity generated from the biogas is distributed for all of the tenants of the Business Park and also the Farm Shop complex. It is acknowledged that the plant is not on the same scale as the 24GWh Hill Barton EfW plant, which provides enough energy to the grid to power approximately 6,500 homes. By way of comparison, the Greendale AD facility generates enough electricity to power approximately 3,800 homes. It is unclear why the October 2022 Net Zero report did not consider the Greendale AD plant given its net zero credentials and potential benefits. It is also wholly material that the facility is already in operation with much of the supporting community network infrastructure that would be required.

- 4.15 **Original Greenhayes comment:** The assessment in the conclusion that Option 2 is in multiple ownership with significant land assembly required is unfair in consideration of the same challenges that would equally apply to Options 1 and 3. The Greenhayes promotion predominantly to the south of the A3052 is a single entity with two landowners involved. In consideration of the HELAA mapping, the landownership to the north of the A3052 appears more granular meaning that the same land assembly challenges will equally apply to Option 1.

Council response: There is little difference between Options 1 and 2 in terms of deliverability, as all landowners have been identified for both Options, with similar proportions (around 50%) being controlled by the three largest landowners. Option 3 has more fragmented land ownership and the greatest amount of unknown land ownership, so would require significant land assembly.

Council action: Objective 8, remove uncertainty from Option 2 score; amend commentary, 2nd and 3rd sentences to state that “There is little difference between Options 1 and 2 in terms of deliverability, as all landowners have been identified for both Options, with similar proportions (around 50%) being controlled by the three largest landowners. Option 3 has more fragmented land ownership and the greatest amount of unknown land ownership, so would require significant land assembly. Therefore, an uncertain effect has been added to Option 3”.

Council action: Option 2, reasons for alternatives being preferred or rejected, delete “in multiple ownership with significant land assembly required to enable this Option to come forward”.

Greenhayes response: The changes made to land ownership certainty are welcomed by Greenhayes. It is also worth noting that Option 2 was the only option within which all land was submitted to the Call for Sites processes, which is a significant consideration and improves deliverability.

- 4.16 **Original Greenhayes comment:** In respect of SA Objective 8, it is unclear why Option 2 does not score better than Option 3 in consideration that the SA acknowledges that “*a relatively large proportion of the land in Option 3 has not been submitted by the landowners*”. An inconsistent approach is unlawful on the basis that it would be irrational.

Council response: see above

Greenhayes response: The changes made to land ownership certainty are welcomed by Greenhayes. It is also worth noting that Option 2 was the only option within which all land was submitted to the Call for Sites processes, which is a significant consideration and improves deliverability.

- 4.17 **Original Greenhayes comment:** The assessments in SA Objectives 10 and 12 fail to acknowledge the established hub of facilities and services at the Greendale Farm Shop site, including a café / restaurant, farm shop, nursery, medical facility and various tourism and visitor attractions.

Council response: Agree it would be useful to reference Greendale Farm Shop as being within Option 2, and adjacent Option 1, in Objective 10. But do not consider this will change the overall score for these Options given the lack of other existing services in the vicinity. Objective 12 relates to town centres, so no change is required for this objective.

Council action: add reference to Greendale Farm Shop and related facilities as being within Option 2, and adjacent Option 1, in Objective 10.

Greenhayes response: Whilst the positive changes made and reference to facilities at Greendale Farm Shop in Objective 10 are welcomed, Greenhayes considers that this position should be reflected within the assessment score. The evidence base for Marcombe appears to place a very strong emphasis on early infrastructure delivery.

The Marlcombe Transport Vision (ref NWC-003) recommends facilities such as a community centre, convenience store, market square, meanwhile uses for e.g. family hub, start-up enterprise and 10,000 sqm employment floorspace all being required prior to the delivery of 500 no. dwellings, with health provision and further E class uses being delivered before 1,000 no. dwellings. In the short term, it also discusses incentivising businesses to relocate to Marlcombe, including 'pop-up' shops in community facilities or visiting medical practitioners holding on-site clinics. Interestingly, the early phase infrastructure appears to be incompatible with the proposed location of the town and local centres within the Marlcombe masterplan. If the approach is to build simultaneously from both the A30 and A3052 ends, then early delivery is going to prove difficult. It is unrealistic in a market context.

In this respect, the role that Greenhayes can make in early delivery of a 'ready made' local centre should not be overlooked, especially if the intention is for some of the early phases to be from the A3052. The majority of the community-focused uses required prior to 1,000 no. dwellings at Marlcombe are already established in one form or another on the Greendale Farm Shop complex.

Paragraph 7.1.6 of the Marlcombe Transport Vision recognises that "whilst on-site jobs are important to limit commuting trips, it is reasonably likely that people will continue to work at other locations, even if jobs are available close by". Accordingly, during those early phases from the A3052 it will be essential that appropriate connections are in place to Greendale Farm Shop and Greendale Business Park.

- 4.18 **Original Greenhayes comment:** The assessment in SA Objective 11 that Options 1 and 3 benefit from employment opportunities arising from proximity to Exeter, yet Option 2 is limited only to employment opportunities arising from Greendale and Hill Barton Business Park is nonsensical. Option 2 equally benefits from such a location and sits on a direct public transport route and proposed active travel corridor into the city.

Council response: Agree that some clarity in the text would be helpful, but do not consider that the sustainability score would change as a result.

Council action: in Objective 11, clarify that Option 2 offers fewer employment opportunities in its vicinity than Options 1 and 3. Replace text stating Option 2 employment centres are "limited to Greendale and Hill Barton Business Parks" with "Option 2 offers fewer employment opportunities within its vicinity – aside from Greendale and Hill Barton Business Parks, all other employment centres are located at least 3km from this Option." Also add that Options 1 and 3 benefit from being served by more than one main road, making them more attractive for future business occupants. Amend "close proximity" to "within 3km" for employment opportunities listed for Option 1. (Ref. East Devon New Community Sustainable Access Review of Option Sites, November 2023).

Greenhayes response: Strongly disagree that Option 2 has access to less employment opportunity than Options 1 and 3. The arbitrary 3km distance has clearly been used to create a distinction between the options when one does not exist in reality. Plainly, Option 2 is in equal proximity to Exeter as Option 1 and 3. Furthermore, Option 2 significantly benefits from having three major employment sites located within it – in the form of Greendale, Hill Barton and Crealy

– enabling more localised commutes to be made by walking and cycling and increasing self-containment.

The idea that Option 2 is markedly less attractive for future business occupants is strongly disputed, given the established Greendale Business Park and demand for commercial space on the A3052 corridor and with good access to the strategic road network.

- 4.19 **Original Greenhayes comment:** It is recognised that Option 1 provides ease of access to several employment hubs around the A30 corridor, but the Greenhayes promotion would achieve the same objectives through proximity to Crealy and Greendale Business Park. The business park is home to approximately 150 companies, providing approximately 2,000 no. jobs in the local Exeter and East Devon economy. The park comprises over 1.8 million square feet of existing industrial and commercial space hosting a variety of business tenants.

Council response: Option 1 is also in close proximity to Crealy and Greendale Business Park.

- 4.20 **Original Greenhayes comment:** It is recognised that, in preparing the Sustainability Appraisal, a number of the core sustainability objectives will need to be assessed by applying evaluative judgement. This can account for differences in opinion in assessing the document. However, if such judgements are applied having regard to inaccurate information or on an obviously inconsistent basis, the Sustainable Appraisal will not be legally compliant. That is the case currently.

Council response: As noted above, several relatively minor amendments are being made to the SA report.

Greenhayes response: Greenhayes consider that whilst some positive changes have been made to the SA, they do not go far enough to rectify the wider shortcomings of the SA informing the plan-making process for determining the location and extent of the Second New Community.

- 4.21 **Original Greenhayes comment:** It is recommended that in reviewing and incorporating the full evidence base to support the Local Plan as part of a full Regulation 19 Consultation, and meeting full objectively assessed needs, that a further iteration of the SA is prepared to amend the inconsistencies.

Council response: As noted above, several relatively minor amendments are being made to the SA report. These will be reflected in the SA report that will accompany the second Regulation 19 consultation and then submitted for Examination.

Greenhayes response: As above.

5 Tests of Soundness

- 5.1 NPPF Paragraph 36 sets out that local plans are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:
- a. **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 having achieved sustainable development;
 - b. **Justified** - an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c. **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
 - d. **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.
- 5.2 As set out earlier within this representation, the plan has not fully met the Transitional Arrangements as set out in Annex 1 of the December 2024 NPPF and should be meeting its full local housing need, having regard to the up-to-date Standard Methodology.
- 5.3 Instead, the preparation of the plan has been deliberately accelerated by the Council simply to circumnavigate having to plan for its full local housing need (1,188 dwellings per annum). Therefore, the plan currently only manages to account for an arbitrarily numerically capped 80% of its need (950 dwellings per annum).
- 5.4 This is a critical issue and one which has real world consequences - equating to a significant difference of 5,236 no. less homes delivered over the 22-year plan period. To put this into some perspective, this is more than the entirety of the Council's housing waiting list which had 4,909 no. households registered on it in 2025.
- 5.5 This is the starting point for the plan and it is abundantly clear that it is not positively prepared and not consistent with national policy as it simply does not meet the area's objectively assessed needs.
- 5.6 It is also relevant that, in setting out its responses to previous Representations, the Council is seeking to purposefully navigate away from including the additional homes required, rather than adjust the Plan accordingly. It is not the case that the land to account for the shortfall in homes is not available.
- 5.7 Furthermore, as the Council is only seeking to meet 80% of its own need and no more, it is unclear to what extent, if at all, the Council could help to meet any unmet housing needs arising through the Exeter Local Plan examination – notwithstanding that Exeter are currently intending to meet their housing requirement within their administrative boundary.
- 5.8 In terms of Marcombe, the September 2025 New Towns Taskforce Report recommended that the Government must be clear on the interactions between New Towns local housing targets

derived from the Standard Method. The Taskforce was clear that this is essential to ensure that new towns create genuinely additional housing in a way which is fairly reflected in local targets. The Government confirmed that it set out more detail in due course (likely Spring 2026) on how local targets interact with the future delivery of new towns, to support the overall aim of increasing housing supply.

- 5.9 It is understood that the Council expects around 3,300 new homes to be delivered at Marlcombe in the plan period up to 2042, with around 4,700 additional new homes to be delivered beyond 2042, with at least a further 2,000 new homes to be accommodated in the longer term. Whilst it is acknowledged that the rules around this interaction are yet to be determined, the plan should account for the possibility that the full quota of the proposed 3,300 homes to be delivered at Marlcombe within the plan period may not be able to be factored towards its housing requirement. There appears to be little discussion about this possible outcome, let alone deliverable alternative provisions should that be the case.
- 5.10 Furthermore, the plan has set 'an aspiration' for 40% affordable housing to be delivered at Marlcombe subject to grant funding and bespoke viability work for the new community. Remarkably this is set at a level above the rest of the plan area (35%), given the burdensome infrastructural requirements of the New Town, it is difficult to see how this prove to be deliverable.
- 5.11 The First Consultation had initially suggested that a viability assessment was to be undertaken as part of the Second Consultation. Given the implications for under-delivering on affordable housing across the plan period and the critical nature of Marlcombe for the success of the plan, it is considered essential that this work is undertaken now in order to demonstrate fully to the Secretary of State that the plan will prove to be deliverable over the plan period and therefore effective.
- 5.12 As set out, under normal circumstances, the plan would not have proceeded to Regulation 19 consultation in March 2025 given its premature and incomplete state at that time and it was self-evidently published merely in attempt to benefit from the Transitional Arrangements – with the outcome being delivering less housing than is needed. This is a completely contrived position which wholly disregards the policy and procedural requirement to plan positively.
- 5.13 Furthermore, the spatial strategy for the plan was essentially decided upon, and the Second New Community given a name, before a proportionate evidence base was presented. Greenhayes have criticised this approach in the First Consultation, and even at the time of the Second Consultation, the Council acknowledge that there remain gaps in the evidence base. The approach taken is in clear conflict with national policy requirement to develop an appropriate strategy based on proportionate evidence.
- 5.14 There remains markedly little evidence base to demonstrate that the Second New Community will realistically contribute to housing delivery within the plan period – only five documents with one of those being a set of FAQs, alongside the failure to objectively determine how much affordable housing it could viably contribute. This is simply not a proportionate evidence base in consideration of the role Marlcombe will ultimately play in the success of the plan. Accordingly, there is no confidence that the plan represents an appropriate strategy and is therefore not justified.

- 5.15 Furthermore, as set out in Section 4, the failure to assess the reasonable alternatives on a consistent basis, whilst not being legally compliant, also undermines the justification for the spatial strategy, as currently set out.
- 5.16 The conclusions, in respect of matters of soundness, are reached on the reality that the evidence base was ultimately prepared in retrospect to the development of the spatial strategy and its justification. This perhaps best encapsulated by the Second New Community being named before it was set out how it could be delivered.

6 Conclusions

- 6.1 These Representations have been prepared by Black Box Planning on behalf of “Greenhayes”, comprised of Greendale Group and Crealy Farms, in response to the Second Regulation 19 Local Plan Consultation for the East Devon Local Plan 2020-2042 which runs between Friday 28th November 2025 and Monday 26th January 2026.
- 6.2 These representations are made further to those made by Greenhayes at the First Regulation Local Plan Consultation held between February and March 2025.
- 6.3 Greenhayes is a strategic promotion for a thriving new community which seeks to utilise and build on existing assets locally, such as the Greendale Farm Shop complex, which already offers a range of services and facilities, taking advantage of the strong connections to significant employment hubs in the locality and the proposed expansion of the Clyst Valley Regional Park.
- 6.4 Greenhayes is identified within the emerging Plan evidence base as a reasonable alternative considered as part of the proposed delivery of a Second New Community, to be known as Marcombe. Greenhayes is strongly supportive of a new community in the West End of the District. However, the plan will require several modifications if it is to be concluded as sound.
- 6.5 The Greenhayes proposal is the vision of two local farming families, the Carter family (FWS Carter & Sons Ltd) and the Down family (Crealy Farms) who have been working comprehensively for several years to promote a carefully designed and sustainable new community to integrate into the established employment sites at Greendale Business Park, Greendale Farm Shop and Crealy Theme Park and Resort. The Greenhayes Vision Document is provided at **Appendix 1**.
- 6.6 There is a cogent case to incorporate it within the emerging plan, but it has been excluded without detailed rationale and justification.
- 6.7 The Greenhayes masterplan, provided at **Appendix 2**, sets out an opportunity to deliver:
- A new, thriving community south of the A3052 Sidmouth Road potentially comprising of circa 2,000 no. homes (including both affordable and self-build and custom-build properties);
 - A ready-made, thriving neighbourhood centre with an enhanced Farm Shop and café / restaurant at its core, together with a variety of supporting community services and facilities, such as retail, nursery and medical facilities;
 - A new two-form entry 420-place primary school facility;
 - A sustainable active travel corridor focused on the A3052 providing wheeling and walking connections into Exeter, Clyst Mary and into the proposed new community;
 - Highway infrastructure improvements along the A3052 enabling access;
 - Park and ride facility shared with Crealy visitor parking;
 - Significant green infrastructure, providing strong recreational and biodiversity linkages into the Clyst Valley Regional Park project;

- Health, well-being and sports venue with playing pitches, gym, facilities and events venue;
 - Rebalancing the resident to jobs ratio locally given the established and significant employment provision at Greendale and Hill Barton Business Parks and Crealy Theme Park and Resort already providing in the region of 3,600 no. jobs on the doorstep, meaning that place of work is located alongside place of residence, reducing the necessity for out-commuting;
 - Increased renewable energy infrastructure, building on the 1.3MW anaerobic digestion plant already operated at Greendale Business Park.
- 6.8 The opportunities and constraints that inform the Greenhayes masterplan are provided at **Appendix 3**.
- 6.9 It remains clear that the emerging plan and previous consultation were artificially brought forward to fall within the provisions of the Transitional Arrangements for Plan Making as set out in the December 2024 version of the NPPF at Annex 1: Implementation.
- 6.10 However, as set out in our previous representation, the First Regulation 19 Consultation did not fully meet the requirements of Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 and therefore did not meet the Transitional Arrangements.
- 6.11 These steps were deliberately taken by the Council in order to work towards against an arbitrarily capped housing requirement (950 dwellings per annum), rather than the full local housing need as calculated by the Government's standard method (1,188 dwellings per annum) – equating to a significant difference of 5,236 no. homes over the 22-year plan period.
- 6.12 This is a critical issue and one which has real world consequences - equating to a significant difference of 5,236 no. less homes delivered over the 22-year plan period. To put this into some perspective, this is more than the entirety of the Council's housing waiting list which had 4,909 no. households registered on it in 2025.
- 6.13 It is also clear that, in accelerating the Local Plan timetable, to meet the Transitional Arrangements, there were several unresolved matters and evidential gaps in the First Consultation, which were acknowledged by the Council at the time, which thus necessitated this Second Consultation (in accordance with Regulation 19). These shortcomings go to the heart of the tests of soundness and should be available prior to consultation of a pre-submission Local Plan.
- 6.14 Section 20(2) of the Planning Compulsory Purchase Act 2004 is clear that a local planning authority must not submit a development plan document unless they think the document is ready for independent examination. Before submitting a plan under Section 20, the local authority must also comply with Regulation 19.
- 6.15 These representations have set out matters in respect of soundness and legal compliance which require resolution prior to the plan being advanced for submission to the Secretary of State for Examination under Section 20.
- 6.16 If the plan were submitted at this stage, it could not be concluded as being positively prepared, justified, effective or consistent with national policy.

- 6.17 In order to address serious issues of soundness, it would be entirely appropriate to identify 2,000 homes at Greenhayes, immediately to the south of the current preferred location for Marlcombe. This would enable the new community to come forward in accordance with the Government's New Town Programme which envisages at least 10,000 homes, as well as aiding early infrastructure delivery alongside housing delivery in a sustainable manner within the plan period.
- 6.18 Greenhayes would very much welcome further engagement with the Council to set out a Local Plan which is robust, with sustainable development at its heart. This includes discussion on the role that Greenhayes could play in the successful delivery of the plan and the provisions relating to the expansion of the CVRP.