

EAST DEVON DISTRICT LOCAL PLAN REVISED DEPOSIT 1995-2011

- 1. THE INSPECTORS REPORT INTO ISSUES
RAISED BY OBJECTORS TO CHAPTER 12
AND PART OF CHAPTER 2 OF THE PLAN**
- 2. SCHEDULE OF PROPOSED CHANGES**

March 2005

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Note

Other documentation is available for inspection at the Council Offices. The Council's Core Proofs of Evidence and Response Proofs of Evidence for each Inquiry session can also be viewed on the Local Plan Inquiry Page of the Council's website – www.eastdevon.gov.uk

EAST DEVON DISTRICT COUNCIL

**REPORT OF THE INQUIRY INTO THE ISSUES RAISED BY
OBJECTIONS TO CHAPTER 12 AND PART OF CHAPTER 2 OF THE
REVISED DEPOSIT LOCAL PLAN**

Duration of Inquiry: 16 November 2004 to 22 February 2005
Inspector: Douglas Machin BSc DipTP MRTPI

1. INTRODUCTION AND OVERALL CONCLUSION

1.1 Introduction

1.1.1 I conducted Part I of the Inquiry into Objections to the Revised Deposit Local Plan between 16 November 2004 and 22 February 2005. Part I considers the 15,139 Objections to Chapter 12 and part of Chapter 2 of the Revised Deposit Local Plan. Part II of the Inquiry will begin on 10 May 2005 and will consider all Objections to the remainder of the Local Plan. I will report separately on those in the autumn of this year. The schedule of all Objections considered; the list of appearances at the Inquiry; and the list of documents submitted are all held by the Council as Library Documents.

1.1.2 It is important for Objectors to appreciate that I have considered their Objections from the starting point that the Local Plan is sound, internally consistent, in conformity with the Structure Plan to 2011, consistent with the approach taken by the Structure Plan to 2016¹, consistent with Regional Planning Guidance 10 and with Government Guidance. The Local Plan has been through a lengthy and comprehensive preparation process, with many opportunities for individuals and organisations to contribute. The Local Plan Inquiry is therefore not the opportunity to start from the beginning and consider Objections on the basis that what they suggest is of equal merit to the Local Plan. It is for Objectors to demonstrate with comprehensive, sound and compelling evidence that the alternatives proposed by them would lead to a better Plan being adopted.

1.1.3 Notwithstanding the very large number of Objections to the New Community and the other major developments in the Exeter Area of Economic Activity (AEA)/Principal Urban Area (PUA), the onus is on Objectors to show that their alternatives would deliver housing and related developments in East Devon in conformity to the Structure Plan, more expeditiously and in ways that produce a more sustainable pattern of development east of Exeter. The Inquiry proved to be a valuable means for the Council to further justify the Policies and Proposals in the Local Plan. Some of the issues raised by Objections can be resolved through a change in wording to the Local Plan. The Council has a record of Proposed Changes² to the Plan, both those recommended in its response proofs for each Inquiry session, and those that emerged during the Inquiry. My report refers to them and needs to be read in conjunction with them.

1.1.4 My report needs to be read also in conjunction with the Council’s response proofs for each Inquiry session, and the Core Proofs. These define issues, and list the Objections responded to. In accordance with the Government’s desire, as expressed in Planning Policy Statement 12, to see the remaining draft Local Plans adopted quickly to allow local planning authorities to move swiftly to the new system of Local Development Frameworks, my report does not rehearse all the evidence submitted in writing and at the Inquiry. Instead, I define the principal issues raised by Objections, as I see them, under 21 headings in accordance with the Inquiry Sessions held. It should be noted that I have considered the Objections remaining at Revised Deposit Stage, and I make no comment on Objections that may still have not been formally withdrawn after the First Deposit Local Plan was altered in response to those Objections. It should also be noted that my report is concerned only with the Local Plan, and I make no recommendation with respect to the planning applications for major developments that are before the Council or on the Supplementary Planning Guidance for the New Community. As for the use of the AEA/PUA terminology, the Council suggests the Local Plan be clarified by Proposed Change 7, which I recommend.

1.2 Overall Conclusion

1.2.1 My overall conclusion is that the Local Plan’s proposals for major developments in the Exeter AEA/PUA are soundly based and in accordance with both the superseded and adopted Structure Plans, Regional Planning Guidance 10 (RPG 10)³ and Planning Policy Guidance Note 3 (PPG3)⁴. I am satisfied that there is no viable alternative to the New Community that will ensure that enough houses are built

¹ Library Documents (LD) 3 and 13

² LD 70

³ LD 346

⁴ LD 303

within the time frame of the Local Plan and in a way that furthers the Government’s sustainable development aims. The other major developments will contribute to the success of the New Community, and are in accordance with the Regional Strategy for the South West to concentrate most new development in PUAs.

1.2.2 I am aware that this conclusion will disappoint the many thousands of Objectors who do not wish to see a New Community or any major development in East Devon. However, numbers of Objections alone is not sufficient to justify changing the Local Plan. Despite the valuable contributions of all those who submitted written representations, and those Objectors who appeared at the Inquiry, the evidence submitted by them was not substantial enough to warrant a recommendation from me to the Council to radically modify the Local Plan. I can only base my conclusions and recommendations on the evidence placed before me. I cannot, as some Objectors urged, choose to re-examine the strategic assumptions underpinning the Local Plan. That would be tantamount to re-opening the Structure Plan Examination in Public (EIP), which is plainly not possible.

1.2.3 Accordingly, I endorse the Local Plan’s proposals for major development, subject to the Proposed Changes and subject to my other recommendations.

D. P. Machin.

D P Machin

Inspector

1 March 2005

2. LOCAL PLAN STRATEGY

2.1 The principal issue is:

- Whether Objectors put forward sufficient evidence to question the soundness of the Local Plan strategy for the New Community and other major developments in the AEA/PUA.

2.2 Soundness of the Strategy

2.2.1 The vast majority of the Objections considered in this part of the Inquiry really question the soundness of the approach taken by the Local Plan in proposing the New Community and other major, related developments in the AEA/PUA. In casting doubt on the principles underpinning the strategy, the Objections raise strategic issues, such as whether there is a need for the level of housing growth in the District that the Structure Plan provides for, and if there is a need, whether East Devon is the right place for a New Community to help meet that need.

2.2.2 I am very much aware of the strong and sincere beliefs of the many thousands of Objectors who have objected to the principle of the New Community and other major developments. However, the sheer number of Objections is not sufficient for me to reject the Local Plan strategy. In my letter to Objectors dated 7 May 2004 I stated that in the light of the fact that the principle of the New Community had already been examined and endorsed at Structure Plan level I was not minded to allocate Inquiry time to hearing Objections that question the principle. Notwithstanding this, some Objectors did spend some time at the Inquiry pursuing in principle Objections together with Objections to more detailed matters. Nevertheless, the plan making process in England and Wales is based on a hierarchical approach whereby strategic issues are examined and tested thoroughly at Regional and County level before the detail of strategic level proposals is examined at Local Plan level. PPG12, paragraph 6.1, is clear that Local Plans must be in conformity with Structure Plans, and there is no implication that numbers of Objections per se should dictate otherwise. This Local Plan has been certified by the Structure Plan Authority as being in conformity with the Structure Plan to 2011⁵. None of the evidence submitted by Objectors in writing or at the Inquiry causes me to doubt the appropriateness of the County Council’s statements of conformity. In my experience, particularly in relation to a Local Plan elsewhere that promoted a new settlement, the strategic justification for the New Community in East Devon is the clearest and most up to date I have ever seen.

2.2.3 Therefore I do not intend to rehearse in this report the evolution of the Local Plan’s proposals for the AEA/PUA and the appropriateness of the strategy. This is adequately done by the Council in its proofs for Sessions 1 and 2 and in Core Proofs. I regard the principle of the New Community proposal and the other proposals for major development to be well established and not open for reconsideration at Local Plan level. Were I to conclude otherwise and favour the approach advocated by Objectors of going back to re-examine the key strategic assumptions underpinning the strategy for the AEA/PUA, the entire Structure Plan’s provision for Devon would be placed in jeopardy. This would be wholly unjustified, especially as the evidence presented to me for taking such an approach was piecemeal and insufficient.

2.2.4 So that Objectors understand the context in which I have come to the conclusion that the principle of the New Community in particular is soundly based, the following factors are, in my view, highly relevant and lead me to my overall conclusion that the New Community proposal should be a key feature of the adopted Local Plan:

- The New Community was the subject of Policy N2 of the Devon County Structure Plan First Review 1995-2011, the Structure Plan that has guided the preparation of the Local Plan but which has now been superseded. The Local Plan is in conformity with this Structure Plan, and the County Council has indicated that it remains consistent with the approach in the 2016 Structure Plan. It will be for the successor Local Development Framework (LDF) to carry forward many of the provisions of the Structure Plan to 2016.

⁵ Appendices 1 and 2 to Council’s Session 1 proof of evidence (poe)

- RPG10 identifies Exeter as a PUA, and Policy SS2 indicates that most development should be concentrated in PUAs. The Guidance states that new settlements should be considered and be identified in Structure Plans only where they are clearly more sustainable than other options in meeting development needs. The Panel Report on the Public Examination of the Draft Regional Guidance concluded that the New Communities for Exeter and Plymouth each fulfil a local role in accommodating development related to one city, and are to be distinguished from new communities that might serve a regional need for which the Panel saw no strong justification.
- The New Community, and the other strategic development proposals in the PUA, received strong and unambiguous support from the Panel which conducted the EiP into the Devon Structure Plan 2001-2016. Paragraph 11.7 of the Panel’s report is highly relevant in my view as it states “Despite this background, and although the New Community proposal is part of the Development Plan, **we have considered afresh whether it is a necessary and desirable proposal in the light of PPG3 and RPG10** (my emphasis), both of which have been published since the adoption of the current Structure Plan.” The Panel concluded that the New Community accords with PPG3 and RPG10, that there is no more sustainable alternative available, and that the New Community should be retained and confirmed in the Plan.
- Policy ST12 of the newly adopted Structure Plan requires the New Community in East Devon to provide for at least 3,000 dwellings in the period to 2016, and for it to meet a number of criteria, importantly the ability to accommodate further development beyond the current plan period. Even though this Structure Plan has a limited life in view of the changes to the planning system recently enacted, nothing in Government Guidance advocates that existing plans should be abandoned immediately. The Structure Plan will be replaced by a Regional Spatial Strategy for the South West and an LDF for East Devon. These will inherit the challenges being addressed by current plans. Objectors have produced no substantial evidence to support the view that the long term requirement in East Devon will be for less rather than more housing to be provided.
- The comprehensive review of housing proposals in the Structure Plan for the Exeter Sub Region, prepared by the independent consultancy, Colin Buchanan and Partners, for Exeter City Council and East Devon District Council, concluded as recently as last August that “**the New Community will play a central role in accommodating much of the growth needs within the PUA**” (my emphasis).

2.2.5 There are remaining issues raised by Objections that require consideration but I do this against the background of the overall conclusion I reach that the Local Plan Strategy is sound and well justified.

2.3 Remaining Issues

2.3.1 Given the significance of the New Community for the Local Plan’s strategy, Objection has been raised to the relative position of Chapter 12 in the Local Plan, suggesting that the New Community and other major developments in the AEA/PUA should feature earlier. I agree with the Council that changing the order of the Local Plan is unnecessary as Policy S1B proposes strategic developments, and then Chapters 12 and 13 deal with the distribution of growth in the District.

2.3.2 Furthermore, I find that the proposals for major development in the AEA/PUA are clearly defined both in scope and in spatial terms, and are closely and well related to achieve a sound contribution towards the creation of more sustainable development patterns. In my view, the Government Office for the South West’s initial concerns are well met in this respect. In addition, I consider that the level of detail on the New Community and related major developments as shown on the Proposals Map is generally appropriate. I agree with the Council that it would be potentially confusing as well pre-emptive to express details of exactly how transport links, for example, would work when, understandably, a considerable amount of work remains to be done in this respect. Supplementary Planning Guidance is the proper place for this detail, and I was told by the Council that this is being refined as consultations continue.

2.3.3 A number of Objections propose that the New Community be reduced in scale in favour of redistributing housing provision to established settlements in the District. This is an issue I consider in Section 4 of my report. However, even at this stage I am satisfied that Objectors have not brought sufficient evidence to the Local Plan Inquiry to cause me to begin to question the appropriateness of the strategy of concentrating most development in the PUA, as endorsed by the EiP Panel in 2003⁶, and which accords with the Structure Plan and Regional Planning Guidance.

2.3.4 With regard to those Objections relating to the Science Park (the subject of Structure Plan Policy ST 19), I support the Council’s view that this proposal, whether expressed as a site specific proposal or a criteria based policy, should be considered as part of the LDF, which will deal with this and other strategic issues specifically arising from development pressures to 2016.

2.4 Conclusion and Recommendation

2.4.1 I concur with the view of the Government Office for the South West that the Local Plan strategy is well grounded in sustainable development objectives, and sets out a clear spatial strategy. No modifications beyond Proposed Changes 1 to 7 are needed.

2.4.2 **R 2/1 – Modify the Local Plan in accordance with Proposed Changes 1 to 7.**

⁶ EiP Panel Report paras 11.12 and 4.15

3. DELIVERY OF THE MAJOR DEVELOPMENTS IN THE PUA

3.1 The principal issues are:

- Whether Proposal AEA1 is realistic and achievable in making provision for 2,900 dwellings in the New Community by 2011
- Whether the Plan contains sufficient detail to guide the implementation of major developments

3.2 Whether AEA1 is Realistic and Achievable

3.2.1 Proposal AEA1 states “Provision is made for the development of a New Community of 2,900 dwellings on land identified on the Proposals Map”. Objectors have questioned whether such a number of dwellings can be built by 2011, and alternatives to the New Community, either in whole or in part, are put forward. I have considered this issue in relation to following matters:

- Whether the planning process is sufficiently advanced to allow the first houses to be completed in 2006/7;
- The dependency on, and integration with, the other major developments;
- The ability of the developers to build houses at a sufficiently high rate to achieve 2,900 dwellings by 2011; and
- The implications for the proper development of this part of East Devon if the 2,900 target is not achieved.

Progress to Date

3.2.2 The following matters indicate to me that considerable progress has been made by the Council, the East Devon New Community Partners (EDNCP) and statutory agencies in planning for an early start on the New Community.

3.2.3 Firstly, the Council has established a Project Team with a Project Manager to steer the development; secondly a development consortium of respected, major house builders (EDNCP) is working closely with the Council; and thirdly, the outline planning application is before the Council, which is ready to determine the application on receipt of this report. The New Community Position Statement⁷ indicates the range of issues on which agreement has been reached. Considerable progress has therefore been made on this project. This contrasts favourably with other new community proposals I was told about.

3.2.4 Of course much preparatory work remains to be done; it would be surprising if all outstanding matters had been resolved at this stage. I heard that the Master Plan for the New Community is being revised but with only minor changes that would not prevent the Council being able to determine the planning application in the second quarter of 2005. Doubt was raised at the Inquiry over the readiness of the Environmental Statement (ES) for the development for the New Community, bearing in mind the Review of the ES⁸ and the scores attributed to various elements. The Council told me that improvements were being made to the ES, mostly in respect of archaeological matters, and there was no reason to assume that a formal re-scoping would be required that might cause significant delay to the project.

3.2.5 In respect of the S 106 Obligations required to achieve coordinated and integrated development and to secure necessary and desirable planning objectives, I note that a scoping paper on the range of matters to be included in the Obligations is being actively developed by the Project team. A working group is addressing the specific matter of affordable housing. Following any grant of outline planning

⁷ Core Document (CD) 4/6/1

⁸ LD 500

permission in the second quarter of 2005, the Council intends to deal with a rolling programme of reserved matters applications and related Obligations in order to allow a start on site by the end of 2005 or the beginning of 2006. I consider that the lengthy period preceding the Local Plan Inquiry during which much preparatory work on the New Community has clearly taken place bodes well for the success of the project. Any delay up to now should not, as Objectors fear, indicate that further delays will occur in the future.

3.2.6 Apart from making the general point that legal matters are often a source of delay in the planning process, Objectors were not able to point me to any specific legal problem that contradicts the Council’s view that the New Community project is well poised for early implementation. There is therefore insufficient evidence to cause me to doubt that the first houses could be completed in 2006/7, although there is a difference of view between the Council and Objectors as to how quickly a significant number of dwellings would begin to appear at the New Community, and the rate of completions thereafter.

Integration and Coordination

3.2.7 With regard to the integration and coordination of the New Community with, and dependency on, the other major developments planned for the AEA/PUA, several matters are relevant. Firstly, the evidence of EDNCP and the Council that there is sufficient infrastructure in place to allow an immediate start to house building on the site was not challenged. Secondly, the major development proposals have been conceived as a package to further sustainable development aims. As such it is clearly important that they all occur as closely together as possible. However, I do not consider that an early and substantial start on house building in the New Community would be prejudiced if most of the other proposals did not start at the same time. Perhaps the most critical proposal for the New Community is the Clyst Honiton Bypass, and I consider the prospects for this in Section 22 of this report.

Rate of Development

3.2.8 Turning then to the rate of development, the indicative implementation programme put forward by the Council⁹ assumes 200 completions in 2006/7, 600 per annum thereafter to 2011, 600 in 2011/2 and 300 in 2012/3. The Council’s current estimate is that 2,600 dwellings could be provided for by the end date of the Local Plan. In reaching a view on whether these are realistic assumptions, I have considered the evidence submitted by Objectors, principally Bovis Homes, on both the speed of progress to optimum completion rates, and the ability of the New Community to sustain a high rate thereafter.

3.2.9 As for the ability of the New Community to progress quickly to optimum completion rates, there is no dispute that there is sufficient reserve capacity in utilities and highways to allow development to start immediately. As for build rates, the examples of new communities or large scale housing areas discussed at the Inquiry persuade me that the Council’s assumption of 200 completions in the first year of development, 2006/7, is not unrealistic. Thereafter, the examples indicate that rapid progress can be made to higher completion rates where demand will support such rates and where the planning process also facilitates them, as is the case here.

3.2.10 With regard to the anticipated optimum rate of 600 completions per annum for the New Community, I note that such a figure would be about 100 above the average completion rates across City and District Councils in Devon during the 1990s and to date. In East Devon, over 500 dwellings per annum have been completed in this period. The examples of other new communities considered at the Inquiry indicate that a figure of 600 can be achieved. Furthermore, having regard to the current Structure Plan’s ambition to see the New Community expand beyond 2,900, and the very desirable strategy to concentrate development in urban areas, there is no reason to assume that build rates in the New Community will tail off as the end date for the Local Plan is reached, as has occurred with some of the examples cited by Objectors.

3.2.11 No Local Plan can, of course, guarantee that a particular number of houses are built. What it can do is to make provision in its Policies and Proposals for the expectation that the number of dwellings required to meet strategic forecasts of housing need will be completed. Much will, however, depend on the state of the housing market during the Plan period. If demand is strong, there will be a greater incentive for the house builders involved to ensure that as many as possible completed houses are offered to the market. I heard that East Devon has had a buoyant market in the last 5 years, with rapidly

⁹ Mr Freer’s session 3 poe – Table 2.1

rising prices, consistent with much of Southern England. The slight down turn in the market at the time of the Inquiry could continue or conversely there could be a return to a rising market; it is impossible for me to forecast this effect on the progress of development at the New Community.

3.2.12 I have therefore concluded in relation to the issue of completion rates that Proposal AEA1 is appropriately worded in that it makes provision for the completion of 2,900 dwellings. As to whether 2,900 dwellings will be completed by the end of the Plan period, the Council expects a lower figure of 2,600. However, none of the evidence of Objectors persuades me that the number of completions that might be expected, and therefore provided for in Proposal AEA1, should be significantly less. Of course there is uncertainty over what will actually occur but I find that AEA1 is realistic in its intent, and capable of substantial if not complete achievement during the Plan period. This is the most that can be expected of a Local Plan Proposal, in my view. The Proposal therefore needs no modification to indicate a lower figure than 2,900.

The Implications of Fewer Houses in the New Community

3.2.13 Some Objectors argue that any failure to achieve 2,900 dwellings in the New Community by 2011 would be a serious consequence that would justify housing allocations at other locations to ensure the housing targets for the District and for the AEA/PUA are met. I do not accept this argument for a number of reasons.

3.2.14 With regard to the District as a whole, Table 4 of the Housing Land Supply Core Proof¹⁰ indicates that some 7,736 dwellings are anticipated in the Plan period, excluding the New Community. On this basis, I agree with the Council that 2,464 dwellings (10,200 minus 7,736) within the New Community would satisfy the District wide housing land requirement to 2011.

3.2.15 In relation to the AEA/PUA, the County Council takes the view, rightly in my opinion, that it is the overall provision for housing within the AEA/PUA that is important for strategic planning purposes. In this respect, I consider that the administrative boundaries between Exeter City and the surrounding Districts are artificial and of little consequence. The likelihood is, in my judgement, that the Exeter Local Plan will be adopted with a housing provision in excess of the Structure Plan requirement, even though there is some uncertainty whether some allocations will survive the Modification process. The evidence submitted to the Inquiry by Devon County Council¹¹ persuades me that the Local Plans for Exeter City and East Devon will more than satisfy the strategic housing requirement for the AEA/PUA to 2011. Any reduced housing completions at the New Community by 2011 would therefore be compensated for, largely in a way that accords with the Structure Plan strategy to concentrate development in urban areas

3.2.16 In the context of the current Structure Plan, and the overall provision to be made within the Exeter PUA to 2016, there is no evidence to cause me to doubt that the strategic contribution expected of the New Community (at least 3,000 dwellings in Proposal ST12); or the East Devon element of the AEA/PUA total (3,500 dwellings – Proposal ST17) can be delivered at the New Community.

Conclusion

3.2.17 I have therefore reached the conclusion that Proposal AEA1 is realistic and achievable. In the circumstances of the numerical target of 2,900 by 2011 not being achieved, I am confident that there is sufficient scope for the strategic housing requirements for the District and the AEA/PUA to be met. The Local Plan needs no modification in this respect. It follows that there is no strategic need to allocate further significant areas for housing development in East Devon, especially when such allocations would almost certainly compete with the New Community, and therefore undermine its ability to succeed.

3.3 Whether the Plan Contains Sufficient Detail on Implementation

3.3.1 Policy S1B has been included in the Revised Deposit Local Plan to help achieve co-ordinated and integrated development of the New Community, Skypark, and the new Airport Terminal, the Intermodal Facility (IMF) and the Clyst Honiton Bypass and other transport works. This Policy, and the

¹⁰ LD 56

¹¹ LD 547

Proposed Changes to it, meet many of the Objections raised to the absence of such a Policy, made at the First Deposit stage, and have my support. The remaining matters that I need to consider are:

- Whether the site specific proposals for major development should be replaced by criteria based Policies;
- Whether the Local Plan should include a programme for implementation of the major development proposals to demonstrate how they will be coordinated and integrated and how the necessary infrastructure will be in place to support such development;
- Whether S1B should include retail facilities;

Criteria Based Policies

3.3.2 Whilst criteria based Policies are often the most appropriate means to guide and promote desirable development, the scale of the major developments proposed in the PUA clearly, in my view, warrant a greater degree of certainty if they are to be achieved in the tight timescale of the Local Plan. The proposals for major development are contained in the Structure Plan, and the location of Skypark, the Airport Terminal and the IMF are necessarily defined by Exeter Airport and the Exeter-Waterloo railway line. In respect of the New Community, its location has been supported twice at Structure Plan level. To recede from that position and open up the possibility that a variety of sites might be put forward by competitor developers would be the surest way, in my opinion, to ensure that few, if any, houses in a New Community were built in the Plan period. I therefore do not support a criteria based Policy approach to the location of major developments in this Local Plan.

Implementation Programme

3.3.3 Policy S1B, together with Policy S5, does much to reassure Objectors of the importance the Council attaches to ensuring that the major developments are implemented in a coordinated and integrated manner. I am broadly satisfied with these Policies. I heard that there has been considerable preparatory work done in ensuring coordinated and integrated development. This probably means that the Local Plan could be updated to reflect the latest position. I accept that there is a limit to the extent to which the Local Plan can contain detailed matters that are subject to regular negotiation.

3.3.4 Nevertheless, I agree with those Objectors who seek more clarity in the timing of implementation of the proposals, how they will be integrated and coordinated, the necessary dependencies, and when and by whom the necessary infrastructure will be provided. It is clearly unrealistic to expect all these major projects to be developed at the same time but I consider it is possible for the Local Plan to further address these aspects without becoming overly detailed or inflexible. I would like to see a broad indicative timetable included in the Plan together with some elaboration of how the developments will be integrated and coordinated. I do not have the necessary information to propose a precise form of modification but I do consider the Local Plan would benefit from such a modification. I recommend that the Council considers adding clarity to the Local Plan in this respect.

Retail Facilities

3.3.5 One Objector¹² seeks a reference in S1B to retail facilities. I support such a reference on the basis that appropriate retail and community facilities will be an essential element of a sustainable New Community, designed to minimise the need to travel. Inasmuch as a reference is made to secondary and primary schools, I consider that “and other appropriate community and retail facilities” should be added to S1B (1). I will consider other Objections by EDNCP to Policy S5 at Part II of the Local Plan Inquiry.

3.4 Recommendations

3.4.1 **R 3/1 – Modify the Local Plan by including a section setting down a broad, indicative timetable for implementation of the major development proposals in the**

¹² EDNCP

PUA, together with an explanation as to how coordinated and integrated development will be achieved;

- 3.4.2 R 3/2 – Modify the Local Plan by adding “and other appropriate community and retail facilities” to S1B (1);**
- 3.4.3 R 3/3 – Modify the Local Plan in accordance with Proposed Changes 8 to 11.**

4. HOUSING STRATEGY

4.1 The principal issues are:

- Is the Local Plan’s distribution of housing in accordance with the Structure Plan strategy
- Should 2,900 dwellings should be allocated to the New Community
- Alternative ways of accommodating housing growth
- Whether the housing strategy is based on reliable data
- Should the Local Plan allow for a 10% non implementation rate
- Is the allowance for windfalls correct
- Whether development of the New Community should be phased

4.2 Distribution of Housing

4.2.1 Many Objectors question the Local Plan’s strategy of concentrating most new housing development within the AEA/PUA. In my view, the urban concentration principle should now be beyond question. However, in considering whether any other strategy would have sufficient merit to warrant modifying the Local Plan, the guidance in PPG3¹³ is most relevant for Objectors’ understanding of the position. The Government’s clear intention is that urban areas should be the focus for growth, offering the most scope for sustainable development patterns for the long term to be created. I am in no doubt that more, not less, urban living is the way forward. This is consistent with the concept of PUAs encouraged in RPG10. The adopted Structure Plan reiterates and reinforces the strategy of urban concentration promoted by the superseded Structure Plan’s AEA concept. It is clear to me that the New Community is intended to be an urban area, functioning as an essential part of the Exeter AEA/PUA. Therefore a self sufficient, urban New Community, with all the opportunities for high quality transport and other services and facilities, must be one of the most important, if not the most important, means to accommodate new housing in a sustainable way in East Devon.

4.3 New Community Size

4.3.1 I agree with the Council that the Local Plan’s allocation of 2,900 dwellings to the New Community is entirely in accord with the superseded and adopted Structure Plans’ requirements for 2,000 (Policy N2) and 3,000 dwellings (Policy ST 16) respectively, in the New Community. Increasing the size of the New Community from 2,000 to 2,900, will promote sustainable development objectives. There was no evidence to counter the widely held view, by the County Council and others, that the larger the New Community the greater the chances of developing self sufficiency in community facilities, education and retail provision. I agree with the Council that it is logical therefore to allocate the residual requirement of the superseded Structure Plan for 900 dwellings elsewhere in the AEA/PUA to the New Community (actually 820 if completions and commitments in the AEA are taken into account).

4.3.2 In the context now provided by the adopted Structure Plan, a New Community of 2,900 dwellings will offer a sound and attractive base to expand if considered desirable when the Council produces its LDF. This is not, however, a matter for me to consider but I note the Council’s views on the likelihood that a step change in housing supply will be needed in future years in the light of a continuing general imbalance between housing supply and demand, as highlighted by the Barker Review, and the options the Council told me are being considered in the review of RPG10.

¹³ PPG3 paragraph 23

4.4 Alternative Ways of Allocating Growth

4.4.1 Objectors advocate an alternative strategy of dispersing the residual requirement of 900 dwellings to the towns and villages outside of the AEA/PUA. This and other options were considered and correctly discounted by the Council as being not in accordance with Structure Plan strategy.

4.4.2 As for the option of distributing housing growth to the towns and villages within the AEA/PUA, it is clear that dispersal of growth to the fifteen or so small settlements there would be to go against the urban concentration principle and risk harm to rural character. A second option would have been to promote a second new settlement of 900 dwellings but I can see no merit in sustainable development terms in that option. A third option would have been an urban extension of Exeter. This is a matter that I consider in Section 6 but, at this point, I simply conclude that such an extension would not offer a better alternative to a larger, more self sufficient New Community.

4.4.3 Some Objectors propose that the New Community could be dispensed with altogether by reallocating the housing growth to towns and villages outside the AEA/PUA. In particular the option of expanding Axminster¹⁴ was canvassed extensively. I am in no doubt that this option would take the Local Plan out of conformity with the Structure Plan and for that reason alone, it cannot be given further consideration. As to whether a smaller number of dwellings should be allocated to towns and villages outside the AEA/PUA, the Local Plan, in adopting the settlement hierarchy advocated in the Structure Plan, does encourage expansion of those settlements capable of sustaining local employment, education and community facilities. Substantial allocations of land for residential development are made in towns like Seaton and Axminster but I heard no detailed evidence on the suitability and readiness of settlements like these to accommodate the scale of development necessary to fulfil the strategic requirement.

4.4.4 In respect of the possible expansion of smaller settlements, the Local Plan does provide for limited development, including affordable housing, within the Built up Area Boundaries, to an extent consistent with the urban concentration principle. However, to go beyond that, as some Objectors urge, would place the Local Plan strategy at odds with the Structure Plan. As noted in the EiP Panel report at paragraph 3.31, *“planning gain considerations cannot be the driving principle in the balance and distribution of development”*.

4.4.5 I shall return to these settlements in Part II of the Inquiry. However, at this stage I do not consider that Objectors have presented evidence of sufficient weight to justify a housing distribution strategy different to the one contained in the Local Plan.

4.5 Reliability of Data

4.5.1 A number of Objectors cast doubt on the accuracy and reliability of the housing data used in the Local Plan¹⁵. Reference was made on several occasions to matters such as more recent migration figures and dwelling completion rates. However, data underpinning the Local Plan’s housing strategy derives to a large extent from the work undertaken to produce the new Structure Plan. The assumptions and data used therein were subject to rigorous scrutiny by the EiP Panel. Even if it had been appropriate for me to re-open this debate, Objectors did not produce a sufficiently comprehensive and detailed critique of the statistical foundation of the Local Plan to justify any recommendation from me to the Council to think again on these matters.

4.6 Non Implementation Allowance

4.6.1 The absence of a non implementation allowance for outstanding planning permissions and allocations has been objected to¹⁶. A figure of 10% is urged on the basis of the study undertaken by Roger Tym and Partners in 1995¹⁷. Whilst I agree that such an allowance may be helpful in some circumstances, a blanket 10% should not be adopted without question as to its applicability in each case. Having regard to Table 4 in LD 56, it is apparent that the Local Plan makes provision for the completion of

¹⁴ By Mr A Carthy and others

¹⁵ CPRE and Cllrs Burrow and Button

¹⁶ Chancery Land Company Session 4 poe

¹⁷ Housing Land Availability – DoE Planning and Research Programme Paper 1995

10,303 dwellings to 2011, an over provision of 103 on the superseded Structure Plan requirement of 10,200 dwellings. That is on the basis that only 2,600 dwellings are provided at the New Community, although I see no justification for assuming that a non implementation allowance should be applied to that allocation, which clearly has a great deal of momentum driving it towards full completion. In addition, the housing market has been much more buoyant in the last five years, the gross imbalance between demand and supply contributing to a doubling of average house prices in that period.

4.6.2 Having regard to these circumstances, whilst I accept that this District wide overprovision does not amount to 10% of the outstanding planning permissions and sites allocated, nevertheless it is a sufficient margin of comfort in my view, bearing in mind the somewhat imprecise nature of this type of forecasting. I therefore consider that there is not a strong enough case to modify the Local Plan in this respect.

4.7 Windfall Allowance

4.7.1 The question of the appropriate level of windfalls has exercised Objectors’ minds. LD 56 makes it clear at paragraph 7.7 that past trends alone have not been relied upon to project the appropriate future allowance for windfalls. Significant discounts on past rates have been applied by the Council in its forecasts, partly to take account of the diminishing supply of windfall sites and also to discount the effect that green field site windfalls have had in the past. This methodology is consistent with the advice in PPG3, in my view. Whilst one Objector¹⁸ criticises the Council’s on the grounds of an insufficient examination of windfalls, no alternative figure is put forward and justified. I therefore do not support any modification in this respect.

4.8 Phasing

4.8.1 Objection has been raised to the inclusion of a phasing policy for the New Community¹⁹. I agree with the Council that Policy H2 provides an appropriate framework to plan, monitor and manage completions in the New Community and elsewhere. The Policy does not prevent planning permissions being granted before the phase noted. Nor does it prevent sites being brought forward earlier if there is likely to be a demonstrable shortfall. I therefore do not support any modification in this respect.

4.9 Remaining Issues

4.9.1 I note the criticism from the Government Office for the South West that the Local Plan should set out the findings of the Exeter and East Devon Urban Capacity Studies in so far as they justify the need for the New Community. The East Devon Study is referred to in paragraph 1.29b of the Local Plan. I agree with the Council that the Exeter Study was central to the EiP Panel’s conclusions, and there is no need to lengthen the Local Plan with a rehearsal of the detail of the Study. Whilst I accept that some of the information contained in the Study has been superseded, there was no credible case made by Objectors to cause me to doubt that the Study has correctly informed the Structure Plan housing strategy for East Devon.

4.9.2 Finally, an argument against the need for the New Community is based on the existence of a five year supply of housing land in the District, as well as the suggestion that Exeter could accommodate more housing²⁰. PPG3 requires plans to show at least a five year supply but that does not obviate the need for the Local Plan to remain in conformity with the Structure Plan, and indicate how the entire housing requirement to 2011 will be met. The issue of Exeter’s urban capacity has been taken into account by the Structure Plan, which is the correct approach. It is not possible for me to re-examine housing potential in an adjoining local authority. The Local Plan can therefore not be criticised in this respect.

¹⁸ Chancery Land Company Session 4 poe

¹⁹ David Lock Associates Session 4 wr

²⁰ CPRE Session 4 poe

4.10 Conclusion and Recommendation

4.10.1 I conclude that the Local Plan’s housing strategy is soundly based. The evidence of Objectors has not been sufficient to persuade me that the Local Plan requires modification, other than in accordance with Proposed Change 12

4.10.2 R 4/1 – Modify the Local Plan in accordance with Proposed Change 12.

5. NEW COMMUNITY – PLANNING PROCESS

5.1 The principal issue is:

- Whether Proposal AEA1 has been correctly formulated in accordance with PPG3, RPG10 and the Structure Plan.

5.2 Conformity

5.2.1 The Objections to the New Community Proposal, AEA1, that argue that it is not in conformity with PPG3, RPG10 or the Structure Plan, were made before the EiP Panel concluded on this issue, and before the current Structure Plan was adopted. I agree with the Council that Objections on the grounds of non conformity have been overtaken by events. I have considered the conformity issue in paragraph 2.2.2 of my report. However, as a further response, I consider that the following matters are most relevant.

5.2.2 There is a clear hierarchy in the plan making process in England and Wales that requires conformity between constituent elements. Although difficulties sometimes arise where plans at different levels become out of synchronisation, the hierarchy of plans supporting the East Devon New Community is very clear and up to date. Policy SS 2 of RPG10 gives priority to development within the PUA’s and to planned urban extensions. The Policy states that new settlements should be considered only where they are clearly more sustainable than either of these forms or than development in other designated centres for growth. The Structure Plan EiP Panel, considering the matter afresh in 2003, unequivocally concluded that the East Devon New Community proposal accords with RPG10 and PPG3. The Panel found that there was no more sustainable option to accommodate the level of housing growth required.

5.2.3 Local Plans must conform to Structure Plans if the plan making system is to have any legitimacy and positive effect. It is simply not credible for Objectors to argue that the East Devon Local Plan could somehow “go it alone” and pursue a strategy that would take it out of conformity with such a clear and up to date Structure Plan. Although reference is made by several Objectors to later population and migration figures rendering the Structure Plan out of date, these are matters that are under constant review by the County Council as the Structure Plan Authority. They are subject to public examination at that level. There has been no comprehensive, in depth alternative case put to me by Objectors on these matters that would cause me to doubt in any way the validity of the Local Plan Proposal for the New Community.

5.2.4 In contrast to the partial arguments made by Objectors, the need for, and importance of, the New Community has been considered and emphasised as recently as August 2004 by the Colin Buchanan and Partners Study²¹. This is a thorough assessment that is unmatched by any of the evidence put to me by Objectors, albeit based on well intentioned and sincerely held views.

5.2.5 As for the argument that the Structure Plan is of less relevance during the transition to the new plan making system, there is nothing in Government guidance to support that view. The adopted Structure Plan is “saved” from 8 October 2004 for three years pending the move towards Regional Spatial Strategies and Local Development Frameworks. Given the evolution of the New Community proposal, its endorsement twice at Structure Plan level and the continuing need to rectify the imbalance between housing demand and supply, there is no reason, in my view, to suppose that the need for the New Community can be ignored.

5.3 Other Issues

5.3.1 One Objector²² urged that the Local Plan Inquiry be suspended in view of alleged irregularities in the conduct of the Council in preparing the Local Plan. As I made clear at the Inquiry, this is not a matter that is within my remit, and I make no further comment.

²¹ Exeter Sub Region Housing Study – para 10.6.3

²² Mr Taylor’s Session 5 poe

5.3.2 Other issues raised by Objectors in this section are best responded to elsewhere, particularly the issue of the distribution of housing growth and the appropriate number of dwellings allocated to the New Community.

5.4 Conclusion and Recommendation

5.4.1 I conclude that the Proposal AEA1 conforms to PPG3, RPG10 and the Structure Plan. The evidence of Objectors has not been sufficient to persuade me that the Local Plan requires modification.

5.4.2 R 5/1 - No modification to the Local Plan.

6. ALTERNATIVES TO A NEW COMMUNITY OF 2,900 DWELLINGS

6.1 The principal issues are:

- Whether an urban extension at Pinhoe to supplement a smaller New Community is needed in this Local Plan period;
- Whether other alternatives proposed by Objectors to supplement a smaller New Community would be in accordance with the Structure Plan’s settlement strategy.

6.2 Pinhoe Urban Extension

6.2.1 Several Objectors have argued that Proposal AEA1 is unrealistic and unachievable in the timeframe of the Local Plan, although they accept the principle of the New Community. They propose urban extensions at Pinhoe on the northern edge of Exeter to make up what they perceive will be a shortfall in the number of dwellings that will be built in the New Community by 2011. Specifically, two urban extension sites are put forward to supplement the New Community, one by Bovis Homes (South West) Ltd at Pinn Court Farm to accommodate five hundred dwellings, and the other by Stax (Pinhoe) Ltd to the north west of the Bovis site.

6.2.2 Despite the quite extensive cases made at the Inquiry, I feel that I can respond to these Objections very briefly. This is because the arguments for and against an urban extension at Pinhoe as an alternative to a New Community were considered and rejected by the EiP Panel. The Panel found strongly in favour of the New Community as the most sustainable option to accommodate the level of housing growth required in the AEA/PUA. However, the Joint Structure Plan Authorities, in Background Studies and Papers that informed the preparation of the 2016 Structure Plan²³, did acknowledge that there could be scope for some more limited development (upto five hundred dwellings) on the PUA periphery. The EiP Panel acknowledged this view but considered that this level of development was not a strategic matter and was a matter for Local Plans, i.e. those Plans with an end date to correspond with the Structure Plan to 2016.

6.2.3 The issue therefore is whether any site at Pinhoe for up to five hundred dwellings is needed during the lifetime of this Local Plan with its end date of 2011. I have already concluded in Section 2 of my report that I find no compelling case to assume that the New Community will not be capable of providing for 2,900 dwellings by 2011. I accept that this is a challenging target, and much depends on the buoyancy of the housing market, which I am no better placed than others to predict. However, if there was a marginal shortfall on the 2,900 figure, I agree with the County Council’s evidence that the strategic need for housing in the locations in the AEA/PUA required by the current and superseded Structure Plans would be met comfortably. I am therefore satisfied that development at Pinhoe is not needed to rectify any deficiency in this Local Plan’s provision for housing, especially that made by Proposal AEA1.

6.2.4 As a fall back position, Objectors argued that land at Pinhoe should be identified as a “strategic reserve”. However, I agree with the Council that such a designation would only add uncertainty to the planning process, and would unnecessarily compromise the Council’s options when it prepares its LDF. I see no merit in such an approach, especially if it resulted in competition with the New Community, and thereby militated against its success.

6.2.5 As to whether sites at Pinhoe, or elsewhere on the PUA periphery, will be needed beyond 2011, I agree with the Council that this is not a matter for this Local Plan but for the successor LDF. The current Structure Plan requires provision for a further five hundred dwellings in East Devon at the AEA/PUA, above the three thousand allocated to the New Community. I understand that the Council has taken no formal view on where the additional five hundred dwellings should go²⁴. If an Exeter urban extension site in East Devon is needed post 2011, the Council accepts²⁵ that Pinhoe would be a credible alternative to

²³ LD 5

²⁴ Council’s Session 6 poe – para 2.34

²⁵ Council’s Session 4 poe – para 2.29

an expanded New Community. Nevertheless, it would be wholly inappropriate for me to give any indication in this Local Plan report as to the role that development at Pinhoe might play beyond 2011.

6.2.6 As for the constraints and opportunities of development at Pinhoe, I heard nothing to persuade me that a limited scale of development could not be accommodated in this area. Possibly the most important constraint on the level of development at Pinhoe is the capacity of the B3181. However, I am not convinced that current difficulties caused by traffic queues at peak times on this road should be the determinant of the number of dwellings that might be needed at Pinhoe. The propensity of drivers to wait in queues can be affected by the availability and cost of alternative transport modes. If urban extensions, as envisaged in PPG3, are to contribute to creating more sustainable development patterns then the means to overcome current transport problems at Pinhoe and elsewhere have to be found. The precise way in which this might be done may, or may not, be a matter for consideration when the Council prepares its LDF. I therefore conclude that the Local Plan requires no modification to provide for development at Pinhoe.

6.3 Other Alternatives

6.3.1 Objectors propose other alternatives to either replace the New Community or to supplement a smaller number of dwellings there.

6.3.2 CPRE raised the question whether Exeter has the capacity to accommodate more of its own housing demand, thereby removing the need for the New Community. The urban capacity of Exeter was taken into account by the EiP Panel and the Structure Plan process. That is the proper forum to consider such matters. It is not the function of this Local Plan, or within my remit, to re-open that debate. I have to proceed on the basis that conclusions on Exeter’s capacity are correct, and therefore that there is insufficient scope there to accommodate the scale of growth required.

6.3.3 As for the option of dispersal of some of the dwellings allocated to the New Community to locations outside the AEA/PUA, many Objectors argue for more growth in settlements like Axminster. However, this issue was also considered at Structure Plan level. Both the superseded and current Structure Plans strongly promote the concentration of growth around Exeter, and I consider that whilst the modest level of growth allocated in the Local Plan to towns like Axminster²⁶ does not compromise Structure Plan principles, I remain firmly of the view that large scale expansion of towns and villages outside the AEA/PUA would take the Local Plan clearly out of conformity with the Structure Plan. For that reason, I do not support this alternative.

6.3.4 With regard to another option canvassed of dispersal of some growth to villages within the AEA/PUA, this is even less realistic. The villages in question are simply not large enough to support significant growth, which would in any event be an option not in accordance with the Structure Plan. An alternative site for a new community at Woodbury Salterton has been put forward by one Objector²⁷. This site is outside the PUA and would not have access to the Exeter-Waterloo railway. The proposal does not therefore conform to the Structure Plan, and therefore I give no further consideration to it.

6.3.5 Finally I will consider an Objection made by EDNCP relating to the definition of Green Wedges to the north of Exeter at Part II of the Inquiry

6.4 Conclusion and Recommendation

6.4.1 I therefore conclude that the alternatives to the New Community, either in whole or in part, proposed by Objectors do not offer a better means to meet strategic housing need. I do not support these Objections, and accordingly recommend that no modification of the Local Plan is required.

6.4.2 R 6/1 – No modification to the Local Plan

²⁶ Axminster has 230 dwellings allocated together with 418 committed (para 2.45 of the Council’s Session 6 poe)

²⁷ Objection by FWS Carter and Sons Ltd

7. NEW COMMUNITY – RELATIONSHIP WITH SURROUNDINGS

7.1 The principal issues are:

- Whether a Proposal AEA1 should be reworded to facilitate the development of the New Community whilst protecting its residents from aircraft noise and allowing Exeter Airport to develop
- Whether the New Community will constrain in any other way the future expansion of Exeter Airport;
- Whether the Local Plan deals adequately with the impact of the New Community on the minor road network and on the existing community and education facilities in the area.

7.2 Aircraft Noise

7.2.1 Proposal AEA1 and the Local Plan Proposals Map define an area of land as “Land Appropriate for Development Following Engine Testing Relocation”. AEA1 continues: “Development of this part of the Community will not be permitted until all engine testing is relocated to, or falls outside of, a point that lies at least 1,400 m away from any proposed new dwellings in the New Community”. EDNCP object to this restriction on the grounds that it is an unnecessary restraint on the New Community that could prejudice the delivery of the number of dwellings required, and hinder the proper development of the community. The joint statement of noise witnesses for EDNCP and the Council²⁸ confirms that it is only noise from engine testing during night time hours (23:00 to 07:00) that is at issue between them.

7.2.2 In relation to engine testing locations, at present this takes place at ²⁹ a point at the north western end of runway 13/31. I heard that an alternative location, known as “F” next to new maintenance hangars would be possible. Clearly, an engine testing location in the south eastern corner of the Airport, and furthest away from the New Community, would be in everyone’s interests to minimise the potential for noise disturbance and allow the Airport to develop, both in terms of the passenger traffic and the types of aircraft that can operate from there. If engine testing were to be relocated to “F”, the Council agrees that there would be no need to constrain the development of the New Community. At present I understand that there is no requirement on Exeter and Devon Airport Ltd (EDAL) to test engines in any particular location but no doubt the desirability of a potentially less disturbing engine test location will be considered as and when the Airport is expanded and redeveloped.

7.2.3 However, on the assumption that testing must continue to take place at “C”; I have considered whether the level and frequency of noise would justify the type of restriction imposed in AEA1. The Council and EDNCP agree that the standard of 65dB LAeq, 1min, adopted by the Inspector at the Heathrow T5 Inquiry, is the appropriate standard to apply in this case in the absence of any other specific, authoritative advice. Even taking account of the evidence of FLYBE, I am satisfied that this is the correct standard to apply in this case. Adopting that standard, it is not in dispute that dwellings in the south western part of the New Community could, during adverse weather conditions, be exposed to noise at or above the 65dBA standard when night time engine testing occurs. However, I accept the evidence of EDNCP that there are currently no more than four high power engine tests at night per year. This is expected to increase by 25% in the foreseeable future. Taking into account wind conditions, I am satisfied with Mr Cole’s evidence that, with an adverse propagation incidence of only 1.5%, engine test noise levels of 65dB (A) to 71 dB (A) in the New Community’s south west quadrant are expected to occur no more than once every 16.6 years³⁰.

7.2.4 This being the case, I consider that a more effective means exists, and was discussed at the Inquiry, to prevent disturbance to New Community residents. Following discussion between the parties outside the Inquiry, the Council has put forward Proposed Change 16. This would allow development across the whole New Community site provided the dwellings were designed to provide an appropriate

²⁸ LD 519

²⁹ “C”, as defined on Plan VCF2 in Mr Cole’s evidence

³⁰ Mr Cole’s Session 7 poe – paras 8.3 and 8.4

level of protection against sporadic night time engine noise. This approach would be consistent with the advice in PPG24, Annex 4, and with the recommendation in the Avia Solutions report³¹, paragraph 6.8.2, that “the development of a new community close to the airport will provide an opportunity for airport employees to live close to their place of work, although sensitive siting of housing close to the airport will need to consider the provision of noise mitigation measures”. Proposed Change 16 has my support, and I recommend the Plan be modified accordingly.

7.2.5 I have taken into account the view expressed by Cllrs Burrow and Button that in fact, many more existing residents living near the Airport experience noise disturbance at all times of the day and night but do not complain and tolerate the situation because of the economic benefits the Airport brings to East Devon. However, I can only base my conclusions on hard evidence, and I would not be justified in recommending the Local Plan be modified on the basis of anecdote or supposition.

7.2.6 In relation to the Objection by FLYBE, the company seeks additional text after Policy S1B to the effect that “each key development may only proceed where it can be satisfactorily demonstrated that there is no detrimental impact upon existing and future Airport operational activity”. The Company also seeks to replace the 1,400 m restriction with a criterion that development of the south west part of the New Community will not be permitted until all engine testing is relocated to, or falls outside of, a point that lies beyond the arc of potential noise disturbance (to be defined following detailed testing) from current and future airport activities. In my view, adoption of this criterion would add to the uncertainty in the New Community planning process. Such a criterion is unjustified by the 65 dBA standard that both the Council and the EDNCP noise experts both accept as being the appropriate standard to use in this case.

7.3 Airport Expansion

7.3.1 Cdr Hale and CPRE object to the failure of the Local Plan to adequately provide for the possible extension of Airport runway 13/31. They consider that the needs of the Airport should take priority over the New Community, and that there should be a 2,400 m separation distance between the two. I note the support for Airport expansion in RPG10 and the Structure Plan. However, I was not made aware of any Government guidance, Regional or Structure Plan Policy that dictates that the expansion of air transport should take precedence over other land uses issues. As always, priorities have to be determined having regard to many considerations. In particular, I do not regard the unconstrained expansion of air travel, particularly that encouraged by unrealistically low priced fares, should be accommodated uncritically. Due weight needs to be given to the long term environmental consequences of expanding Exeter Airport, not least of which is the fact that the contribution made by air transport to greenhouse gas emissions remains to be included in Government targets for their reduction. I note the benefit of the Airport to the local economy but I am far from persuaded that other land use planning issues such as the need to achieve a step change in the supply of housing and the need to encourage more sustainable ways of living and travelling should take second place to unconstrained air travel and transport.

7.3.2 In relation to the possible extension of runway 13/31 to accommodate wide bodied jets capable of trans-Atlantic flights, the Local Plan’s Policies and Proposals have to be realistic and capable of implementation within the Plan period. I have taken account of the Objectors’ arguments that Exeter is well placed to accommodate significant growth in air transport, benefiting as it does from favourable weather conditions, and I accept the desirability of keeping open options for the future. However, it is significant that the Objectors are the only ones promoting the re-use of runway 13/31. Such a proposal is not supported by EDAL, Devon County Council, Exeter City Council or the South West Regional Development Agency. The White Paper “The Future of Air Transport” did not foresee that additional runway capacity is needed to accommodate the growth in passenger numbers envisaged for Exeter. The Objectors were not able to tell me how fundamental problems to the runway extension would be addressed, including relocation of the new FLYBE hangars; relocating part of the Exeter Business Park; crossing the old A30; and possible adjustments to Skypark and Intermodal Facility (IMF). I therefore consider that it would be unwarranted to modify the Local Plan on the basis of such a limited case made by Objectors.

7.3.3 Exeter Chamber of Commerce is concerned that the New Community housing may expand onto land south of the old A30, and thereby constrain expansion of the Airport. However, I note that there is no Policy or Proposal in this Local Plan that would encourage or allow this, and therefore no modification is needed.

³¹ LD 205

7.3.4 In respect of Objections to the New Community on the grounds that it would compromise air safety, I agree with the Council’s response that the fact that part of the Community falls within the Aerodrome Safeguarded Area does not mean that such land is unsuitable for development. Rather that the Airport operator will be consulted on certain types of development. In this case EDAL has been consulted on the New Community planning application, in accordance with the advice in Circular 1/2003, and has raised no objection on the grounds of safety.

7.4 Highways and Community Facilities

7.4.1 Several Objectors express the concern that costs of the New Community will fall on East Devon but benefits may be absorbed by Exeter City. I agree with the Council’s response that this is not a land use matter, and the Local Plan should not be changed to reflect this concern.

7.4.2 A good number of Objectors are concerned at the traffic impact on the local highway network around the New Community, in particular Crannaforde Lane, Southbrook Lane, Blackhorse Lane, and Station Road. The Council accepts that the impact on these and other roads requires assessment and remedial measures where found necessary. Proposed Changes 13 and 14 are put forward to supplement the Revised Deposit wording and to meet the concerns raised. I agree that it is more appropriate to refer to remedial works that “may” be required as the Revised Deposit wording pre-judges the need for such works. These changes have my support.

7.4.3 Concern has also been raised over the impact of the New Community on existing community and educational facilities around the site. I agree that the implications of the provision of new facilities in the New Community for the existing facilities need acknowledgement and careful assessment. Proposed Change 15 meets this Objection, and has my support.

7.4.4 Finally, some Objections have been made to the New Community on the grounds that it will adversely affect the Dorset and East Devon Coast World Heritage Site. However, as the Council points out, such an impact is very unlikely as there is so much open land between the New Community site and the coast some 14 km away. I do not support these Objections.

7.5 Conclusion and Recommendation

7.5.1 I therefore conclude that, subject to the Proposed Changes I have referred to above, Objections have not raised any matter that would lead me to believe that the New Community will have anything other than an acceptable relationship with the surrounding area.

7.5.2 **R 7/1 - Modify the Local Plan in accordance with Proposed Changes 13 to 16.**

8. NEW COMMUNITY - HOUSING

8.1 The principal issue is:

- Whether the provision for affordable housing in the New Community is appropriate and adequate.

8.2 Affordable Housing

8.2.1 I note that the Local Plan is supported by an up to date housing needs assessment. Proposal AEA1 includes the criterion that “at least 40% of the total housing in the New Community shall be affordable housing”. This proposal is supported by Policy H3, which seeks negotiations with developers to provide a minimum of 40% affordable housing on qualifying sites.

8.2.2 Objectors point to the need for more affordable housing in East Devon. I am satisfied that the Local Plan clearly recognises the problems caused by low incomes and rising house prices. Some objectors argue the 40% figure is too high but are counterbalanced by those who say it is too low. However, Objectors have produced no better evidence than the Council’s housing needs assessment to cause me to question the approach being taken in the Plan. Whilst I acknowledge Objectors’ concerns over the delivery of affordable housing in each case, this is an issue of implementation not the correctness or appropriateness of the policy approach.

8.2.3 There is clearly a need to ensure that affordable housing requirements do not become so onerous that developers conclude that schemes would not be viable. There is no objection at this stage of the Local Plan Inquiry from EDNCP, and I have to conclude that they are content that the success of the New Community would not be compromised in this way. I am also satisfied that Policy H3, in its use of the term “seek to negotiate ... a minimum” contains sufficient flexibility to permit a lower percentage of affordable housing, where this might be exceptionally justified. I do not support the suggestion³² to substitute the term “in the order of” (40%), which would be too loose and be in danger of not being taken as a serious Policy target.

8.2.4 Policy H3 and paragraph 6.18 of the SPG for the New Community allow for up to 5% of the affordable housing required by the New Community proposal to be provided in other locations in the District where there is an unmet need. This is not mentioned in Proposal AEA1. Nevertheless, I support the concept of off site provision as a flexible and responsive way to help meet overall housing need across East Devon.

8.2.5 With regard to the occupancy of affordable housing, this is controlled by legal mechanisms, and unlike some Objectors, I have no concerns over their effectiveness.

8.3 Other Issues

8.3.1 Some Objectors fear that New Community dwellings will encourage people to move into East Devon, at the expense of local people, that they will encourage commuting to Exeter, and that they will attract a retirement population. In response to these concerns, I consider that Objectors should examine carefully the package of major development proposals that are an essential part of the Local Plan’s intentions for this part of the District. They are intended to create a vibrant, economically active, socially balanced and environmentally responsible community. This is the most the Local Plan should seek to achieve. It should most certainly not attempt to place artificial controls on occupancy that would have no basis in planning legislation and could be socially divisive.

8.3.2 With regard to the density of the New Community development, the Council expects net figures of 30 to 50 dwellings per hectare, which is consistent with PPG3 guidance and Circular 01/2005. I agree with the Council that achievement of such densities will allow an efficient use of land, good utilisation of community and transport facilities yet still allow for a design and landscaping solution that respects its setting.

³² Eagle Investments Session 8 wr

8.4 Conclusion and Recommendation

8.4.1 No Objections considered under this topic require the Local Plan to be modified.

8.4.2 R 8/1 – No modification to the Local Plan.

9. NEW COMMUNITY - SITE SELECTION

9.1 The principal issues are:

- Whether the location of the New Community conforms with the Structure Plan
- Whether the precise boundaries of the New Community should be adjusted in the light of Objections

9.2 Location

9.2.1 The location of the New Community was defined by the superseded Structure Plan Policy N2. In 2003 the EiP Panel considered the proposal afresh, and endorsed the location the subject of the planning application now before the Council. The current Structure Plan shows the location of the New Community in diagrammatic terms to the east of Exeter and between the Exeter-Waterloo Railway line and the old A30. A considerable amount of work has been done by the Council, statutory agencies and EDNCP to examine the detailed implications of development in this location. The western boundary has been adjusted to achieve greater integration with, and bring it closer to, the other major development proposals in the area. In my view, the site is well defined but not unduly constrained if further growth is justified at some stage. However, it would not be appropriate for this Local Plan to identify expansion areas as there is no current justification for the need for this to occur. This will be an issue to be addressed in the Council’s LDF.

9.2.2 Whilst I accept that a large quantity of agricultural land will be lost, given the need for the development and the absence of a proposal by Objectors for an alternative site that would involve less land being taken out of agricultural production, I have to conclude that such a loss is the price that has to be paid to enable this development to go ahead.

9.2.3 It would be inconceivable in my view to reject at this stage in the planning process the broad location of the New Community, and thereby take the Local Plan out of conformity with the Structure Plan, unless Objectors could produce very substantial evidence to demonstrate that the broad location is fundamentally incorrect and that better alternatives exist and are achievable. Although several Objectors suggested other locations, such as near Tiverton in Mid Devon District, or further east in East Devon, the evidence to substantiate such alternative locations as better alternatives was non-existent. I can therefore not accord any weight to these suggestions, and do not recommend any modifications in this respect.

9.3 Boundary Details

9.3.1 Turning to Objections concerned with the details of the definition of the New Community site boundaries, Objection is raised³³ to the reference in paragraph 12.7 to high voltage power cables and the inference that these might constrain the eastern boundary of the site. Although the prominence of these cables is a useful visual reference, I agree with the Objector that they do not impose a constraint on development, and this should be noted in the Plan. This is easily done by making a small addition to the text, which I recommend.

9.3.2 The same Objector also objects to the notation on the Proposals Map that reads “Land identified for development following airport engine testing relocation”, and to references to that effect in paragraphs 12.7 and 12.7b. I deal with this issue in Section 7 and recommend accordingly.

9.3.3 Objection is also raised by EDNCP to the exclusion from the New Community boundary of a 5 hectare area of land south of the A30. This is land intended for use as a country park, and is seen by EDNCP as an integral part of the open space provision for the New Community. The land is included in the planning application site. As such, I agree with the Objector that it is logical to include the land in the New Community site boundary as shown on the Proposals Map. I acknowledge that expansion of the New Community site south of the A30 may be controversial, and also I note that the penultimate paragraph of Proposal AEA1 provides for open space outside the New Community site boundary.

³³ EDNCP Session 9 wr

Nevertheless, the land in question is to be developed only for open space, and it is an important component of the balanced proposals to meet New Community residents’ needs. The land should therefore be included within the New Community site boundary, in my view.

9.3.4 Several Objectors propose that the New Community be centred on a garden centre/nursery on the eastern edge of the site. This proposal would clearly result in the New Community site being moved eastwards, away from the other major development proposals. I agree with the Council’s response that the integration and sustainability benefits of the package of major development proposals would thereby be lessened, and I see no merit in this suggestion.

9.3.5 One Objection proposes that the New Community site be located so as to straddle the railway line. Whatever the accessibility benefits of this, it would mean development on National Trust land, which the Council tells me is not available at present, and also there would be greater implications for the floodplain. Therefore this appears to be not a realistic option.

9.3.6 One Objector³⁴ proposes including land at Southbrook Farm in the New Community. This comprises buildings and farm land on the eastern edge of the New Community site boundary. I heard from the Council that the eastern site boundary has been defined on the basis of field boundaries and land ownerships to create a boundary that is close to and parallel with high voltage power cables. The Southbrook Farm land has been excluded by the Council on the basis that it is not needed. The Objector contends that the New Community site, as defined on the Proposals Map, will not be able to accommodate the required number of dwellings due to the extent of the floodplain. I consider the flooding issues in Section 13, where I conclude they have been properly taken into account and do not impose a constraint on the delivery of housing in the New Community. Therefore the Objector’s main justification for the need for land at Southbrook Farm is not accepted. As for the potential of the Southbrook Farm land to contribute to meeting housing need, a scheme could be considered under criteria 14 to 16 of Proposal AEA1. However, there is not a strong enough case made at this stage to warrant alteration of the New Community boundary and specifically allocate the land for residential development. Furthermore, I support the Council’s view that early delivery of houses in the New Community would not be assisted by casting uncertainty over the allocated site at this late stage.

9.3.7 Another Objector objects to the exclusion of land adjacent to the “Jack in the Green” public house from the New Community. I understand that some infilling potential may exist, and therefore the same conclusion I reached above at paragraph 9.3.6 applies. No modification of the Local Plan is warranted.

9.3.8 Objections have also been made on the basis that the New Community will cause the coalescence of settlements. Policies in the Structure Plan prevent this, and the Council has defined Green Wedges in the Local Plan to ensure that this will not happen. I am satisfied with this approach and therefore no modification is needed.

9.4 Recommendations

- 9.4.1** **R 9/1 – Modify the Local Plan by adding “(although these are not a constraint on development)” after “high voltage power cables” in paragraph 12.7;**
- 9.4.2** **R 9/2 – Modify the Proposals Map to include land south of the A30 within the New Community boundary.**

³⁴ M Baker (Property Services) Ltd Session 9 poe

10. NEW COMMUNITY – NATURAL ENVIRONMENT

10.1 The principal issues are:

- Whether the New Community would have an unacceptable adverse impact on the natural environment
- Whether the loss of agricultural land is justified

10.2 Impact on the Natural Environment

10.2.1 Objections have been made³⁵ on the grounds that the New Community project may breach the Water Framework Directive (2000/60/EC). This requires all inland and coastal water bodies to reach at least “good status” by 2015. It encourages developers to incorporate Sustainable Drainage Systems (SUDS) that are able to absorb at source the run-off from various types of development or to store water for non drinking use and enable it to be released more slowly. I gather that the Objectors fear that the New Community will hinder efforts to improve water quality, although there is no detail to support this concern.

10.2.2 I note that the Environment Agency is closely involved in the planning process for the New Community. It has expressed its satisfaction with the water disposal strategy as conforming to the Agency’s desire to maximise the use of source control techniques where possible. I further understand from the Council’s Session 10 proof that the Agency and South West Water are satisfied with the outline proposals for the New Community and consider that potential polluting effects have been or will be fully considered. In these circumstances, I see no grounds to support these Objections.

10.2.3 Objections have also been made to the New Community on the grounds of the alleged potential to harm the important County Wildlife Site at Hellings Park Fen. The EiP Panel considered this matter and concluded that they saw no reason why the Site should be affected. A joint paper produced by Devon County Council, Devon Wildlife Trust, The Environment Agency and English Nature³⁶ shows a keen awareness of the criteria by which the success of the New Community, in nature conservation terms, will be able to be judged. The Council referred at the Inquiry to the nature conservation gains that have been achieved at the Cambourne new community. This accords with my knowledge and experience that land degraded in nature conservation value by agricultural production over the years can be significantly enhanced by thoughtful development.

10.2.4 Criterion 12 of Proposal AEA1 requires the agreement of a scheme for the protection, provision, enhancement and management of existing landscape features, wildlife corridors and habitats before planning permission is granted for the New Community. This is supported by Policy EN8. I see no reason why such a scheme could not include a variety of measures to protect and enhance the natural environment. I am therefore satisfied that there are sufficient safeguards in place in the Local Plan for the protection of the Hellings Park Fen Wildlife Site, and other natural habitats. The Plan needs no modification in this respect.

10.3 Agricultural Land

10.3.1 In relation to agricultural land loss, CPRE objects on the basis of the amount of land that would be lost. I note that of the 128 hectares required for the New Community, some 75% of the site is Grade 2 or 3A. There would be no Grade 1 land lost. In my view, any loss of land that can be used for agricultural production is undesirable but Objectors need to recognise that a balance has to be struck with the need for development for other purposes. PPS7, paragraph 28, advises that the loss of best and most versatile (BMV) land should be taken into account alongside other sustainability considerations, including the relevant consideration in this case of maintaining viable communities. The potential seriousness of the loss of BMV land was assessed by MAFF, who concluded that the New Community site is not of strategic importance in a national context. If there is to be a New Community, CPRE and other Objectors have not

³⁵ Cllrs Burrow and Button Session 10 poe

³⁶ Appendix 3 of Council’s Session 10 poe

suggested an alternative site that would involve less BMV land being taken out of production. Given the importance of the New Community to provide much needed housing in East Devon, the loss of BMV land is justified in my view, and therefore the Local Plan should not be modified in response to these Objections.

10.4 Recommendation

10.4.1 R 10/1 – No modification to the Local Plan.

11. NEW COMMUNITY – URBAN DESIGN

11.1 The principal issue is:

- Whether Proposal AEA1 will achieve a high standard of urban design

11.2 Standard of Design

11.2.1 Criterion 9 of Proposal AEA1 requires Obligations to be agreed, before planning permission is granted, in order to ensure that the New Community achieves a mix of design, densities, size and types of dwellings which reflect the distinctive character of East Devon. EDNCP object to the requirement to reflect the distinctive character of East Devon on the grounds that it could result in a pastiche of local styles. However, Government guidance in PPGs1 and 3 encourages new housing to take account of its local context and to reflect local distinctiveness. The importance of reflecting local distinctiveness is reiterated in the CABE document “By Design”. In my view it is essential that the New Community be distinctive in terms of reflecting where it is located, and enhancing the quality of the built environment of Devon. The New Community should not become an amalgam of housing styles that reflect the marketing preferences of national house builders. I fully support the retention of criterion 9, and do not therefore support this Objection.

11.2.2 CPRE express the concern that the design of the New Community will be unduly influenced by developers. The Council’s response persuades me that this will not be the case. It is clear that the Council is working with bodies such as CABE, the County Council, and Exeter City Council as well as with the expertise available within EDNCP to ensure that a high standard of design is achieved as a pre-requisite to granting planning permission. A Strategic Design Guide is to be produced as well as Design Codes for each phase of development. These will be supported by Policies in the Local Plan. It is not within my remit to scrutinise the planning application for the New Community but to be satisfied that the Local Plan is appropriately worded to ensure that a high standard of design is achieved. I am satisfied that Proposal AEA1, supported by Policy D1 and D1B, will ensure this. Accordingly, the Plan should not be modified to meet these Objections.

11.2.3 CPRE also expresses the concern that the New Community, particularly its shopping provision, might become a tourist attraction, encouraging car borne journeys, contrary to the need to discourage unnecessary travel. In my view, there will inevitably be some such journeys, if the level of interest in Poundbury in Dorset is anything to go by. Furthermore, the Council accepts that the Community’s retail provision will attract shoppers from surrounding villages. However, I consider that this aspect of the New Community proposal should be outweighed by the benefits to be realised from the opportunities to create a style of living and working that will be unique in Devon, and could well serve as a model for future communities in the County. No suggestions are made by Objectors, apart from the deletion of the Proposal, as to how the Plan could be modified to prevent trips to the New Community from outside East Devon

11.2.4 Objections have been made to the likely built form and massing of development.³⁷ However they refer to a plan that is part of the planning application, and which is not for my consideration. From the foregoing, I am satisfied that the Local Plan contains adequate Policies to ensure a high standard of design is achieved, consistent with the need to maximise housing densities in accordance with PPG3.

11.3 Recommendation

11.3.1 R 11/1 – No modification to the Local Plan.

³⁷ By Mrs Hands and Mr Williams

12. NEW COMMUNITY – LANDSCAPE CONSIDERATIONS

12.1 The principal issues are:

- Whether the Local Plan contains sufficient safeguards to prevent the New Community having an unacceptably adverse impact on the landscape
- Whether the Green Wedge designation should be removed from an part of an area of land intended as country park to the west of Rockbeare stream
- Whether the New Community will lead to settlement coalescence

12.2 Landscape Impact

12.2.1 CPRE objects on the basis that the Local Plan and SPG for the New Community may not be specific enough to prevent an adverse impact on the landscape. The Council responds by pointing out that the SPG’s purpose is mainly to inform negotiations on S106 Obligations. The latter will be detailed and binding, apportioning costs and responsibilities in relation to landscape enhancement. These will be supported by a Design Guide and Design Code, and by conditions on any planning permission granted. The Environmental Statement will act as a benchmark to assess the success of the development. These measures are, in my view, sufficiently comprehensive and detailed to meet the Objector’s concerns. No suggestion is made as to how to improve upon this regime, and I therefore conclude that the Plan should not be modified to meet this Objection.

12.2.2 Objections have been made on the grounds that the New Community will be visually intrusive. Plainly, the New Community and all the activities associated therewith will be visible from various points, and be in marked contrast to the present open appearance and rural character of the site. Given the need for the development however, I consider it is important that the Local Plan provides the means and incentive to produce a development of the highest standard in terms of urban design, landscape enhancement and habitat diversity. A significant proportion of the New Community site will not be built upon but will be planted with a substantial number and variety of grasses, shrubs and trees. The potential is there, in my view, for the change in the appearance and character of the site to be more than compensated for by an improvement in landscape quality compared to the rather stark agricultural landscape that exists. Furthermore, the Local Plan’s Policies and Proposals will allow the impact of new development to be softened and screened to an acceptable degree, in my view.

12.3 Green Wedge

12.3.1 Objection is made by EDNCP to the Green Wedge designation on a relatively small area of land south of the old A30 and to the west of the Rockbeare stream that is included in the New Community planning application site, and intended for development as a country park. In accordance with my earlier conclusion that the Proposals Map should be modified to show this land as part of the New Community, I also consider that it would be potentially confusing if the land were to continue to be shown as Green Wedge. Given the intention to develop this land for country park use only, I see no harm to the landscape setting of Rockbeare by deleting this small area of land from the Green Wedge. I therefore support this Objection and recommend the Plan be modified to meet it.

12.4 Settlement Coalescence

12.4.1 Objections were made at First Deposit stage on the basis that the New Community would lead to settlement coalescence. Green Wedges have been defined around Clyst Honiton, Rockbeare and Whimble to prevent this, as indicated in paragraph 12.8C of the Local Plan. These are subject to Policy EN4. I consider that this change to the Plan is sufficient to meet the Objectors’ concern, and no further modification is needed.

12.5 Recommendation

12.5.1 R 12/1 – Modify the Local Plan by deleting the Green Wedge designation from land west of the Rockbeare Stream that is proposed as Country Park in the New Community.

13. NEW COMMUNITY – WATER AND FLOODING

13.1 The principal issues are:

- Whether New Community residents would be exposed to an unacceptable degree of risk of flooding
- The impact of the New Community and other major developments on the surrounding area.

13.2 Flood Risk for New Community Residents

13.2.1 The New Community site lies within the catchments of the River Clyst and the sub-catchments of the Rockbeare Stream and the Cranny Brook. The Cranny Brook flows along the northern boundary of the New Community site, and is classed as a Main River. The Rockbeare Stream flows through the eastern part of the site. The site contains other small water courses, land drains and ponds. The soil conditions are such that water permeates slowly leading to water-logging. A considerable number of Objectors to the New Community proposal fear that future residents would be exposed to the risk of flooding. Photographic evidence submitted by Cllr Mrs Burrows shows extensive flooding that has occurred in the general area, although none showed flooding of the New Community site itself.

13.2.2 There is considerable concern, nationally and locally, that new dwellings are not built in areas prone to flooding. PPG25 seeks to avoid the development of flood risk areas and to promote best practice for the disposal of surface water. To this end, I attach considerable weight to the degree of cooperation demonstrated between the relevant parties and the work done so far to ensure that PPG25 guidance is complied with. The extent of the existing floodplain, increased to allow for climate change, has been agreed with the Environment Agency. A Strategic Flood Risk Assessment has been carried out by consultants for the Council, which confirms that the New Community can be built to accord with Government guidance. The evidence of the Council, the Environment Agency, South West Water and EDNCP is that no dwellings will be built in the New Community on land that is at risk of a 1 to 1,000 year event or a 0.1% degree of risk. This is a much higher standard than the 1 to 100 or 1% degree of risk stipulated in PPG25. There is no technical evidence from Objectors to cause me to doubt the accuracy of this conclusion. Even if this were not true, Mrs Burrows accepted at the Inquiry that criterion 13 of Proposal AEA1 together with Policies EN26 and 27 would allow the Council to refuse planning permission for the New Community if it reached the conclusion that it would be liable to flood.

13.2.3 I note that the proposed railway station and link road will be located in a flood risk area. However, the proposal is that areas of floodplain lost to this essential infrastructure will be replaced by local excavation to widen the floodplain as part of landscape works to form a Country Park. There will be a 20% overprovision to provide additional mitigation. Other parts of the New Community liable to flooding are proposed as Country Park and other open spaces. This seems to me to be a perfectly adequate solution, and entirely consistent with PPG25.

13.2.4 I accept that Global warming and climate change introduce a considerable degree of uncertainty over the frequency and extent of flooding³⁸. However, the approach taken by the Council, working together with the responsible authorities, in the definition of the boundaries for the New Community in this Local Plan is sufficiently cautious, in my opinion. The balance of evidence persuades me that New Community residents will not be exposed to an unacceptable risk of flooding, and therefore Objectors’ fears will not be borne out in this respect. Accordingly, the Local Plan needs no modification.

13.3 External Impacts

13.3.1 Objectors raise various concerns about the possible external impact of the New Community. They fear that the New Community will increase surface water run off to the local watercourses by urbanising what is a green field site, thereby increasing the risk of flooding in other areas. I note that a SUDS approach will be followed. This will dispose of as much surface water into the ground as possible close to the source of run off. Where direct discharge to ground cannot be achieved, a variety of

³⁸ “Uncertainty, Risk and Dangerous Climate Change” – Hadley Centre – submitted by Cdr T Hale

measures to attenuate the run off will be employed, including narrow swales and “on plot” devices that store water until it can be released to watercourses. These will be designed to best practice standards that take account of safety issues and wildlife habitats. However, it is not proposed to have large attenuation ponds that might attract birdlife that would cause a hazard to aircraft movements, a concern raised by EDAL.

13.3.2 The evidence of the Council’s consultants on drainage is that the above measures will ensure that surface water run off from the New Community site to watercourses will be no greater than occurs at present. Indeed, with the proposal to harvest rainwater for such purposes as flushing and garden irrigation, and other design techniques, the Council expects run off from the New Community site to be significantly reduced after development. I am therefore satisfied that the flood risk outside of the New Community, including at Crannaforde Lane³⁹, will be no worse, and could well be better, than at present. The Local Plan provides an adequate control over the external impacts of the New Community in the form of Criterion 13 of Proposal AEA1, and Policies EN26 and EN27, and no modification is therefore needed to meet Objectors’ concerns.

13.3.3 With regard to sewage disposal, Objectors’ are concerned that existing systems will be overloaded. However, I am told by the Council’s consultants that the drainage strategy includes improving existing sewers in the Cranny Brook catchment, routing waste water down the Clyst Valley. A package of off site improvement measures will be required and these have been agreed with South West Water. Policy EN24 safeguards the position in any event, and therefore I conclude that there is no danger that Rockbeare residents, or others, will suffer.

13.3.4 Objectors have also suggested that the water supply for the New Community will be inadequate. I understand that there is an existing 300 mm water main that could serve 700 dwellings in the New Community. Thereafter, there is no evidence to demonstrate that upgrading could not take place to ensure adequate supplies.

13.3.5 As far as the potential impact of the New Community on the County Wildlife Site at Hellings Park Fen is concerned, some Objectors are worried that this will suffer as a result of a change in water levels and quality. However, having regard to the surface water disposal strategy outlined above, I see no basis for this concern. Again, in any event, I am satisfied that the Local Plan is adequately equipped with Criterion 12 of AEA1 and Policies EN8 and EN9.

13.3.6 As for the impact of the other major developments associated with the New Community, there is no evidence to persuade me that the impact on drainage cannot be assessed and addressed in a similar manner to the New Community, with the Local Plan providing adequate control and guidance.

13.4 Conclusion and Recommendation

13.4.1 In conclusion, I am fully satisfied that the water and flooding aspects of the New Community, and other major developments, have been subject to rigorous examination. The fear of flooding is very understandable, but the Local Plan is adequate to guide the implementation of the New Community in such a way that there will be no adverse impact in respect of flooding and other drainage and water matters. The only modification required is to update the Plan by references to the Strategic Flood Risk Assessment carried out for the Council by W S Atkins.

13.4.2 R 13/1 – Modify the Local Plan in accordance with Proposed Changes 17 and 18.

³⁹ Flooding problems referred to by Mr Kerslake

14. NEW COMMUNITY – PHYSICAL INFRASTRUCTURE

14.1 The principal issue is:

- Whether the railway station proposal to serve the New Community is realistic and achievable

14.2 Railway Station

14.2.1 Criterion 1 of AEA1 requires a new railway station on the Exeter – Waterloo railway line to become operational during the first phase of the New Community development (2004 – 2008). A number of Objectors question the feasibility and deliverability of this proposal, pointing out that without it, the case for a sustainable, self sufficient New Community is undermined. Some Objectors have drawn support from the scepticism over the railway station expressed in the EiP Panel report⁴⁰. In contrast, the evidence I have⁴¹ demonstrates that the project has made considerable progress since that time.

14.2.2 Partnership working between Devon County Council, South West Trains, Network Rail and others has produced the required business case. This is currently with the Strategic Rail Authority (SRA) for consideration and discussion. The cost of the project is estimated at £2.5 m, and the station can be accommodated by the existing single track, although a dual track would improve service levels. The proposed service will provide high quality trains to convey passengers to Exeter in about 10 minutes. It is envisaged that there would be about 3 trains per hour in the peak period. In line with SRA guidance the “Net Present Value” indicates that the proposed station would have a positive benefit for the rail industry and the local community. I am told further that there would be no land ownership or engineering constraints to the new station being operational by 2008.

14.2.3 Some Objectors question whether the station is in the correct location to also serve Exeter Airport. I note that there is no proposal at present to serve the Airport with a heavy rail link. This is consistent with the conclusions in paragraphs 6.7.28 to 6.7.30 of “The Future Development of Air Transport in the United Kingdom”. However, I agree with the Council that it would be unnecessarily short sighted if the possibility of a light rail/tram link, possibly following the alignment of the link road between the New Community station and the Airport, were to be discounted at this stage. In the shorter term, I accept that any kind of rail link needs the regular patronage of commuters and shoppers to be successful, rather than the irregular movements of air passengers to and from an airport the size of Exeter. I agree with the Council that other locations for the new station nearer the Airport but further away from the New Community would make the option of rail travel for residents less attractive, and thereby prejudice the viability of the new station. In conclusion, I am convinced by the County Council’s evidence that the railway station is in the right location, is realistic and achievable. It will be a most important part of the New Community.

14.3 Other Issues

14.3.1 Other issues relating to physical infrastructure have been raised, most notably the matter of renewable energy⁴². This is encouraged in Chapter 10 of the Local Plan and in Objective 3V of the Supplementary Planning Guidance. Therefore, I do not consider that the Local Plan needs to be modified in this respect.

⁴⁰ EiP Panel report paragraph 11.30

⁴¹ Dr I Harrison’s Session 14 poe

⁴² Cdr T Hale’s session 14 poe

14.4 Conclusion and Recommendation

14.4.1 In conclusion, whatever the basis for initial scepticism by the EiP panel over the prospects for the proposed railway station, I am more than satisfied that the project is realistic and achievable. The Local Plan needs modification only in respect of Proposed Changes 19 and 20.

14.4.2 **R 14/1 – Modify the Local Plan in accordance with Proposed Changes 19 and 20.**

15. NEW COMMUNITY – SOCIAL/COMMUNITY INFRASTRUCTURE

15.1 The principal issues are:

- Whether the Local Plan makes appropriate provision for social and community facilities
- Whether the Local Plan makes adequate provision for places of worship

15.2 Social and Community Facilities

15.2.1 Several Objectors argue that the Local Plan should be more specific in detailing the range of social, community and sports facilities to be provided in the New Community. However, I accept the Council’s response that the Plan would become excessively detailed and restrictive if this were to be done. Proposal AEA1, Criterion 8, provides a framework and a starting point for negotiations between all relevant bodies and the Council to achieve an appropriate level of provision. Agreements to provide facilities should be sought, and not imposed, in appropriate cases where justified to fulfil a planning purpose, in accordance with Government guidance in Circular 1/97. SPG will contain greater detail on social and community facilities, including how the important matter of the coordination of provision is to be achieved against the challenge set in the second sentence of AEA1. However, the SPG is not before me to comment on. Due to the diverse nature of the social and community facilities, some of which may not yet have been identified as necessary/desirable, and the various funding arrangements that the bodies responsible for them are subject to, there is no merit in pre-judging in the Local Plan negotiations on the range, scale and location of such facilities.

15.2.2 It may be the case that short term problems occur with matching the provision of certain types of services to demand but this is not a sufficient reason to reject the New Community as a means to meet housing demand in the District. What is important is that a framework exists in the Local Plan to enable all bodies concerned, including whatever administrative arrangements are put in place for the New Community, to work together to meet challenges and resolve any difficulties. Also, as the New Community develops, new ways of providing support services for its residents may emerge, and this process should not be restricted but facilitated by the Local Plan.

15.2.3 In relation to education provision for New Community residents, I note that two primary schools and one secondary school are planned, the latter being in the form of a relocated Clyst Vale Community College. Objectors have raised concern over the potential for inadequate levels of provision in this respect. In my experience, these fears are not groundless. However, I come back to the adequacy of what is said in the Local Plan as opposed to how the Plan will be implemented and facilities provided. In respect of education, as with other social and community facilities, I am satisfied that AEA1, and supporting Policies, are adequate and need no modification.

15.2.4 Similarly, in respect of retail provision, the size and range of retail facilities is a matter for detailed negotiation between the Council and developers who will have the benefit of specialist advice as to what is viable. The Local Plan cannot prescribe such matters but provide the framework to ensure that the impact of whatever is proposed is acceptable.

15.3 Places of Worship

15.3.1 In relation to the reference to “places of worship” in criterion 8 of AEA1, and paragraph 10.19, the Diocese of Exeter has objected to the Plan on the grounds that this term might exclude other facilities such as a lay worker’s house being built. Further to discussion at the Inquiry, I agree that the definition of Places of Worship in paragraph 10.19 and the reference in AEA1 should be changed to meet this Objection. The suggestions for additions to the SPG cannot be considered in this report but no doubt the Council will be willing to do so.

15.4 Other Issues

15.4.1 Objections have been made on the grounds that the New Community might become dominated by one particular group of people. However, I see no basis for this concern. Everything about the planning of the New Community leads me to believe that it will be a diverse, well integrated, and self

sufficient settlement. No suggestions are made as how the Plan should be modified to meet any such concerns.

15.4.2 In relation to Objections that claim that the costs of the New Community will fall on East Devon Council tax payers, this is not a Local Plan matter and I therefore make no comment.

15.5 Recommendation

15.5.1 R 15/1 – Modify the Local Plan by adding “such as dwellings for workers resident in the community” after “ancillary buildings” in paragraph 10.19; and add “and associated buildings” after “infrastructure” in Proposal AEA1, Criterion 8.

16. NEW COMMUNITY – EMPLOYMENT LAND

16.1 The principal issue is:

- Whether the Local Plan makes appropriate provision for employment in the New Community

16.2 Employment Provision

16.2.1 Criterion 11 of Proposal AEA1 allows for five hectares of land for business and industrial uses in the New Community. However, a specific site area for employment use is not identified in the Plan. EDNCP object on the grounds that the criterion should be re-worded to “provision be made for employment, approximately equivalent to five hectares, in the New Community”. I accept that it is difficult to predict how many jobs will be available in the New Community. Clearly, facilities such as shops and schools will provide some, to enable people to live and work in close proximity. In addition, there will be opportunities to work from home, and other innovative ways of working and living, some of which may not even have been thought of at present. The planning application for the New Community contains a considerable range of employment opportunities⁴³. I am in no doubt that a specific figure for employment land should be provided in the New Community for a range of other business uses in order to further the goal of self sufficiency. The Council has arrived at the five hectare figure by making a comparison with employment land provision in Seaton. Objectors have not come forward with any alternative figure. I agree with the Council that it is useful for monitoring purposes to retain the figure, and it allows for some flexibility when taken with the other ways in which employment might be created. Therefore I do not support the EDNCP Objection.

16.2.2 I am also satisfied that the Local Plan does not need to be more specific on the types of employment that are envisaged for the New Community. Proposals will come forward to be judged against the Policies and Proposals in the Local Plan as to their acceptability. I see no merit in prejudging and thereby possibly limiting the forms of employment that might be acceptable at this stage. I accept that it may well be the case that employment provision may not initially keep pace with the provision of dwellings. Nevertheless, there is no reason to assume that the Local Plan is incorrect in its aim to see as many as possible of New Community residents working locally within the New Community itself, and at Skypark and the Intermodal Facility (IMF).

16.2.3 The Objection by Bell Cornwell casts doubt on the ability of the New Community to deliver employment land, and seeks the re-allocation of the five hectares to other locations. However, as I have already indicated in Section 4 of this report I am optimistic that the New Community can progress very quickly. In the absence of any specific reason why the employment land could not also be available within the Local Plan period, it is wrong in my view to assume, as Bell Cornwell does, that EDNCP would have little interest in delivering employment land because of Skypark. I am satisfied that there is a high degree of commitment by EDNCP and the Council to making a success of the New Community. The employment created at the New Community should therefore not be considered as a bonus addition for East Devon but as a necessary constituent of the District’s move towards more sustainable patterns of development. However, I consider it would be beneficial if the Plan encouraged the early provision of some employment land to facilitate the connection between living and working in the New Community. It follows that I see no justification to reallocate the five hectares to other locations within the AEA/PUA that do not have the strategic importance the New Community and other related major developments have for the area east of Exeter.

16.2.4 In relation to the overall employment provision in the Local Plan, the Objection pursued by CPRE would require the Structure Plan process to be re-visited. As I have stated previously in relation to similar arguments by CPRE, this is not within my remit. The Structure Plan employment figures have to be accepted. To embark on a process that would require them to be re-examined now would be fraught with danger.

⁴³ Para 2.1 of Council’s Session 17 poe

16.3 Recommendation

16.3.1 R 16/1 – Modify the Local Plan by adding “Early” before “Provision of opportunities...” in Criterion 11 of AEA1.

17. NEW COMMUNITY – IMPLEMENTATION

17.1 The principal issues are:

- Whether the Local Plan should contain an indicative implementation programme
- Whether the costs of implementing the New Community should feature in the Local Plan

17.2 Implementation Programme

17.2.1 The Council’s Session 17 proof of evidence should reassure Objectors that considerable progress has been, and continues to be, made in the coordination of the New Community project, and its integration with the other major developments in the AEA/PUA. Many stakeholders are engaged in the process of ensuring successful implementation of projects that have been long in gestation. The sometimes complex process of negotiating S106 Obligations is underway, and the Council is poised to determine planning applications for these projects.

17.2.2 However, a number of Objectors consider that the Local Plan should include an indicative programme for implementation of the New Community and the other major development projects in the AEA/PUA so that reassurance may be given over matters such as phasing and deliverability. The Council’s response is that Policy S1B gives the undertaking that the New Community and the other major developments will function in a coordinated manner and be integrated to ensure a sustainable balance between transport provision, housing, employment, local services and other facilities. The Policy further states that planning permission for individual schemes will not be granted unless they are compatible with a programme of works that will achieve the delivery of a coordinated package of integrated development.

17.2.3 Whilst I accept that S1B is very clear in its intent, I do consider that the Local Plan could be even clearer on when the various projects are expected to be implemented, and the inter-dependencies between them. I understand that the Plan cannot dictate when planning permissions might be implemented but in so far as one project has implications for others, and where one project cannot proceed until another has been completed, then these matters should be included in the Plan. For example, I was told that a certain number of houses could be completed in the New Community utilising existing infrastructure. The railway station is expected to be operational by 2008 when approximately 1,000 houses may have been completed. This is the sort of programming detail that the Local Plan would benefit from, in my view. Recommendation 3/1 is relevant, and I refer to it.

17.2.4 At least one Objector⁴⁴ expresses concern that Proposal AEA1 may not be successful in putting in place the necessary S106 obligations that will ensure co-ordinated and integrated development. Further to debate at the Inquiry, I am satisfied the Proposed Change 21 will improve the Proposal in this respect and meet the Objection.

17.3 Implementation Costs

17.3.1 Several Objectors argue the total cost of implementing the New Community should be made known, and that none of that cost should be borne by the East Devon Council Tax payers. Whilst I recognise this concern by those who do not wish to see a New Community, cost issues should not be included in the Local Plan. They would not add anything to the Plan in terms of making it a better framework for taking land use planning decisions. Some costs are yet to be finalised; some are commercially confidential; and in addition any cost figure included in the Plan would soon be out of date with changing circumstances and price inflation. Equally, the apportionment of costs is not a Local Plan matter.

17.4 Recommendation

17.4.1 R 17/1 – Modify the Local Plan in accordance with Proposed Change 21.

⁴⁴ Cllr Button

18. NEW COMMUNITY – LONG TERM DEVELOPMENT

18.1 The principal issue is:

- Whether the Local Plan should be explicit about the level and direction of any future growth of the New Community

18.2 Level and Direction of Growth

18.2.1 The adopted Structure Plan requires that the New Community be capable of accommodating further development beyond the Plan period. The Local Plan at paragraph 12.6 (vi) reiterates that requirement. Objectors call for the Plan to make explicit the direction and level of future growth beyond 2011.

18.2.2 With regard to the level of growth, the Council points out that this has not been determined. This Local Plan provides for growth anticipated in the period to 2011. The successor Local Development Framework will take the Local Plan forward in terms of setting out growth requirements to 2016, in conformity with the 2016 Structure Plan, and also in the light of the emerging Regional Spatial Strategy. I consider that it would be wholly inappropriate to predetermine and prejudice those documents by seeking to identify development land for an expanded New Community beyond 2011.

18.2.3 I do accept that existing residents around the current New Community site may wonder where future growth will leave them. Clearly, the New Community site is constrained but this is in a relative way, in my view. Judgements will have to be exercised and hard decisions taken by the Council and the local communities involved at the appropriate time as to the relative importance of the need for additional housing provided by an expanded New Community weighed against the protection of Green Wedges and the integrity of existing settlements to the east, the importance of preserving the openness of National Trust land to the north, and the operational requirements of Exeter Airport affecting land to the west and south.

18.2.4 In respect of the latter, I have given much thought to the argument of Objectors⁴⁵ that nothing should be done that would prejudice the expansion of the Airport. The importance of the expanding role of the Airport so that it may function as an Accessibility Point in the European Airport Network is recognised by Policies T22 and TR14 of the superseded and adopted Structure Plans respectively. Local Plan Policy TA10B will not allow planning permission to be granted for development that would prejudice the safe operation of the Airport. I have borne in mind the White Paper on the Future Development of Air Transport and the Avia Solutions report⁴⁶. The latter concludes in paragraph 6.8.6 that “the Development Plan provides a positive framework to guide the further expansion of the Airport and related off-site activities. The proposed New Community including improved community and transport infrastructure is an advantage to the expansion of the Airport”.

18.2.5 I was not made aware of anything in Government Guidance, Regional Planning Guidance or the Structure Plan that would sanction unlimited expansion of Exeter Airport at the expense of other important considerations such as the need for additional housing. In addition, I have considerable reservations over whether unconstrained air transport and travel, whilst no doubt good for the local economy in the short term, is environmentally sound and sustainable having regard to the lack of contribution that it would make to reducing carbon emissions (as I understand it aircraft emissions are excluded from the Kyoto targets that the Government is working to in order to minimise Global Warming and the consequences for rising sea levels and flooding, which concern a large number of Objectors). Nevertheless, I am satisfied that the Local Plan and Structure Plan Policies I have referred to provide an adequate and appropriate framework to assess the relative merits of any proposals to expand both the New Community and the Airport. This framework will be needed to allow informed and correct decisions to be taken by the Council, with other organisations and individuals contributing as appropriate. No objector suggested a better Policy framework, and therefore I see no necessity to modify the Local Plan in this respect.

⁴⁵ Principally by Cdr Hale

⁴⁶ LD 205

18.3 Other Issues

18.3.1 Objectors expressed concern that the New Community may be designed in such a way that further expansion of social and community facilities may be constrained, impacting adversely on facilities outside the New Community. I accept that this is a valid concern but it is a matter that can be met by the detailed design and layout of the New Community with appropriate space being allowed for the expansion of facilities such as health centres. As far as the Local Plan is concerned, I am satisfied that it provides for the expansion of such facilities, principally by Policy C3. However, further to discussion at the Inquiry, I consider there needs to be an acknowledgement of the need to assess the impact of more houses on existing facilities.

18.4 Conclusion and Recommendation

18.4.1 The Local Plan should be modified to clarify that the possibility of expansion of the New Community and the need to allow for appropriate expansion of social and community facilities is recognised.

18.4.2 **R 18/1 – Modify the Local Plan by adding “and their possible expansion” at the end of the first sentence of paragraph 10.9.**

19. INTERMODAL FACILITY

19.1 The principal issue is:

- Whether the Local Plan correctly expresses the intended use of the Intermodal Facility (IMF)

19.2 Intended Use

19.2.1 It is abundantly clear to me the underlying intention of the proposed IMF is, as superseded Structure Plan Policy T16 and adopted Structure Plan Policy TR15 make clear, to encourage the transfer of freight from road to rail. The SWARMMS report considered a number of locations in the South West Region and recommended the site shown in the Local Plan as being the most viable. The adopted Structure Plan Key Diagram requires the IMF to be in a location adjoining the Exeter – Waterloo railway line and close to the New Community and the Airport. Therefore, the Local Plan is consistent in this respect, and with paragraph 5.16 of PPG12 and paragraph 45 of PPG13 in defining what is essentially a transport infrastructure site on the Proposals Map. Importantly in my view, the proposal has the support of the SRA. The Joint Statement by the Council and Cluttons⁴⁷ gives a comprehensive account of the justification for the IMF in the location shown on the Proposals Map. I endorse this as a good response to Objectors who have questioned the need for the facility and those who suggest alternative locations. Nothing I heard at the Inquiry persuades me that this proposal is not viable. The Council is in a position, following receipt of this report, to determine the planning application for the IMF.

19.2.2 A number of Objectors fear that the deletion from Proposal AEA2 at Revised Deposit stage of the words “between road based and rail based modes of transport” weakens the Proposal and could allow the site to develop into a predominantly road based freight distribution centre. I consider that there is justification for this concern, and for confusion over what the main use of the IMF will be, particularly bearing in mind the clearer nature of paragraph 11.4B of the Local Plan. Further to discussion at the Inquiry, the Council has put forward Proposed Changes 22 to 26. I find that these clarify the matter and should go a long way to allay the fears of Objectors. I strongly support these changes.

19.3 Other Issues

19.3.1 Objection has been made on the grounds that the IMF requires a dual railway line. The Council’s response is that this is not the case, although it accepts that this would improve the service levels. I have no technical evidence to doubt that this is correct.

19.3.2 Concern is expressed over the possible impact of additional vehicles using the IMF on the local road network. This is a matter that I consider in Section 22 of this report.

19.3.3 In relation to any possible impact by the IMF on flooding and nature conservation interests, I am satisfied that the Local Plan contains sufficient safeguards in its Policies. These will inform the consultation process and provide a proper framework to allow the Council to decide the planning application for the IMF.

19.3.4 In relation to the Airport, I do not accept that the IMF will have any impact on any feasible and realistic plans for expansion in the future. The IMF site is north of the old A30. No evidence has been presented by Objectors to persuade me that an option to extend runway 13/31 across that road is a realistic and feasible option that is being considered by those with the responsibility for these matters. I would therefore be unjustified in recommending that the Council further consider this suggestion.

19.4 Recommendation

19.4.1 Rec 19/1 – Modify the Local Plan in accordance with Proposed Changes 22 to 26

⁴⁷ Appendix A of Mr Melligan’s Session 19 poe

20. SKYPARK

20.1 The principal issues are:

- Whether the Local Plan allocation for Skypark unreasonably restricts the development and expansion of Exeter Airport
- Whether the Local Plan has an over reliance on Skypark to deliver employment land

20.2 Skypark and the Airport

20.2.1 Adopted Structure Plan Policy ST19 requires a major strategic employment site of 30 hectares (Skypark) to be identified and protected in East Devon at the PUA. According to paragraph 12.10 of the Local Plan, the location of Skypark as shown on the Proposals Map originated from a perception by the County Council that an opportunity existed to re-use a significant proportion of Exeter Airport, the land being considered as “brown field land”. Objectors question whether the allocated area would, if developed, restrict the potential to expand the Airport, in accordance with the aims of Structure Plan Policies T22 and TR14.

20.2.2 In considering this issue, the following matters appear to me to be relevant. Firstly, with regard to whether the whole of the allocated site can be described as “brown field land”, I do not feel this is correct. The majority of the allocated area appears to me to be within the Airport boundary and comprises part of runway 13/31, sections of perimeter track, and dispersal pads and shelters. It appeared to me when I visited the Airport that part of the Skypark land might be considered as operational land, being part of the Airport, although possibly underused at present. Given the recent, rapid expansion of passenger numbers and flights, the recognition in several policy documents that the Airport should be allowed to expand to fulfil a European Regional role, and the impending sale of the Airport, I am not persuaded that the circumstances that lead to the identification of redundant land and a development opportunity thereon remain valid.

20.2.3 If this conclusion is accepted, then the second issue that needs to be addressed is whether confirmation of the area allocated could unreasonably restrict and prejudice the Airport in fulfilling its perceived role. It was suggested to me that the allocated site could assist the Airport’s expansion in two ways: firstly by allowing the reconstruction and extension of runway 13/31; and secondly by providing scope for additional taxi ways, parking areas etc. In relation to runway reconstruction and extension, the current owners say this would be prohibitively expensive and is not necessary to accommodate the perceived demand for flights as far as 2015. Others⁴⁸ point to what they understand to be a shortage of runways in the UK, and therefore to the folly of closing off options by building over an existing one at Exeter, as Skypark would do.

20.2.4 I am not persuaded that the disposition of proposed land uses on the current Airport site, as shown on the Proposals Map, takes sufficient account of the rapidly changing role of the Airport. I note that the case made by Objectors for the re-instatement/reconstruction or replacement of runway 13/31 is not currently supported by any responsible body charged with the development of air transport. Proposed Change 27 goes some way to rectifying the impression that some of the Airport land may be redundant. However, I consider that before the Local Plan is adopted with what appear to me to be somewhat outdated ideas of the extent of redundant land at the Airport, the opportunity should be taken to re-consider the boundaries of Skypark so that the Airport’s role as an emerging, significant Accessibility Point in the European airport network is not compromised.

20.3 Skypark and Employment land

20.3.1 Some Objectors question the need for Skypark and the reliance placed on it to provide employment land. I agree with the Council that the Local Plan has to contain this Proposal to be in conformity with the both the superseded and adopted Structure Plans. The issue of the overall level of employment land provision for East Devon has been settled at Structure Plan level, and I am not able to re-open that debate, especially in the light of the very limited cases made by Objectors.

⁴⁸ Notably Cdr Hale

20.3.2 As for the distribution of employment land, two Objectors⁴⁹ argue that there is an over-reliance on Skypark, and that there is a need to re-allocate some of the land to other locations in the District. I see no case to share the Objectors’ pessimism that Skypark will be unable to deliver the full employment potential envisaged for it. On the contrary, following any re-examination of the boundaries of the development, no evidence has been put before me to show that this prestige development could not be implemented within the Plan period. Skypark is clearly in accordance with the strategic priorities for the concentration of development at the PUA. In contrast, to reduce the allocation at Skypark in favour of redistributing land to other locations inside and outside the PUA with much smaller catchment populations in close proximity, would take the Local Plan further away from the Structure Plan’s intentions for East Devon. I accept that the employment opportunities at Skypark will be restricted to certain types of employment but such high quality jobs on a regionally strategic site is precisely in accordance with the Structure Plan and RPG10. The Local Plan does make provision for other types of employment at other locations in the District, albeit not as many as some Objectors want. However, I am not persuaded by Objectors’ arguments that Skypark should be reduced in scope in favour of re-distribution. For these reasons, I do not support these Objections.

20.4 Other Issues

20.4.1 In relation to Objections that question the compatibility of employment uses with Airport operation, I am satisfied that the aim to provide high quality environmentally friendly buildings, as expressed in paragraph 12.10b of the Local Plan, together with the operation of Policy D1B, will allay such concerns. Similarly, there are Policies in the Local Plan, such as EN9 and EN12, to ensure that any significant nature conservation and archaeological interests are not adversely affected by development.

20.4.2 As far as restricting the uses of Skypark to Airport related use, suggested by an Objector, this is not intended by the Structure Plan. To impose such a restriction would confine the development to a very limited range of occupiers, and there is no planning justification for such a restriction. However, I note from the Written Position Statement on Skypark⁵⁰ that some ancillary uses such as a hotel and small scale retail and Class A3 uses may feature in the revised planning application to be submitted to the Council later this year. The Council may consider it appropriate to modify the Local Plan at Proposal AEA3 and/or the reasoned justification to refer to all the proposed ancillary uses.

20.4.3 With regard to any impact on Clyst Honiton village, I am further satisfied that fears over visual impact of buildings in Skypark and the relationship to local landscape are matters that can be addressed using Policies in the Local Plan, such as D1. No modification of the Local Plan is needed to meet these Objections. As for the loss of the football pitch that occupies part of the Skypark allocation, again Policy RE1 will allow alternative provision to be made.

20.5 Conclusion and Recommendations

20.5.1 In conclusion, the Local Plan needs modification in respect of Proposed Changes 27 and 28, and to indicate the range of uses intended for Skypark. A reappraisal of the boundaries of the Skypark allocation may or may not lead to modification of the Proposals Map.

20.5.2 R 20/1 – Modify the Local Plan in accordance with Proposed Changes 27 and 28

20.5.3 R 20/2 – Modify the Local Plan to refer to the range of uses intended for Skypark

20.5.4 R 20/3 – Re-consider the boundaries of Skypark to ensure that the Airport’s role as an emerging, significant Accessibility Point in the European airport network is not compromised.

⁴⁹ Session 20 poe from Bell Cornwell Partnership and Stax (Pinhoe) Ltd

⁵⁰ LD535

21. NEW AIRPORT TERMINAL

21.1 The principal issue is:

- Whether proposal AEA4 is sufficient to guide and encourage the development and expansion of Exeter International Airport.

21.1.1 A number of Objectors claim that the Local Plan does not facilitate the development and expansion of Exeter Airport as an Accessibility Point in the European Airport Network, in accordance with Regional Guidance and the Structure Plan. In particular Objectors fear that the allocation for the proposed New Airport Terminal shown on the Local Plan Proposals Map would prevent the reinstatement and expansion of runway 13/31. I refer to my conclusions at paragraph 20.2.4. The need for the New Terminal is a commercial and operational matter that will be assessed by the new owners of the Airport in the light of the forecast by the current owners that passenger numbers could reach 2.5 m by 2015. The area shown on the Proposals Map for the New Terminal is a land use allocation only, to guide the determination of a planning application. As such, the Proposals Map defines the maximum extent of land thought necessary to allow for the construction of a New Terminal and ancillary facilities such as aircraft aprons. This is the most a Local Plan Proposals Map should do, in my view. It should not define the detail that will have to be decided when the Council determines the planning application. This would be overly prescriptive and rigid. I am satisfied that the wording of Proposal AEA4 is adequate to allow the possibility, if not the probability, of the reinstatement of 13/31 to be considered again, in the light of the very recent expansion of passengers numbers at the Airport. No alternative words for the proposal were put forward by Objectors, and I do not consider that the Local Plan needs modification in this respect.

21.1.2 As for the re-use of the existing Terminal when the New Terminal is operational, I do not consider that the collection of buildings on the south side of the Airport are worthy of a separate Local Plan Policy or Proposal. I am satisfied that those buildings of historic interest could be retained and others converted/demolished using the existing Policies in the Plan as a guide.

21.2 Other Issues

21.2.1 Objectors have suggested that the New Terminal be served by a rail link, and some argue that the New Community station should be moved nearer the Airport Terminal. As I have already stated, I agree with the County Council that a new station is more likely to be viable in the short term if it can draw upon the more regular patronage from a large residential area. However, the Council is keen to reserve the possibility for some form of rail link, probably a light rail between the Airport and the new station at some point in the future. I support this and agree with the wording in paragraph 12.16 of the Local Plan. Accordingly, I do not support any modification of the Plan in this respect.

21.2.2 As for the impact of the new Airport Terminal on wildlife, I consider that the Local Plan contains adequate Policies for this to be assessed and appropriate protection measures put in place at the development control stage.

21.2.3 In respect of the Objections from EDNCP on the noise issue, I consider that these are responded to by the recommendations in Section 7. No further modification is needed.

21.3 Recommendation

21.3.1 R 21/1 – Modify the Local Plan in accordance with Proposed Change 29.

22. CLYST HONITON BYPASS AND OTHER HIGHWAY ISSUES

22.1 The principal issue is:

- Whether Proposal AEA5 contains sufficient certainty with regard to the implementation of the Clyst Honiton Bypass and other necessary works that are part of the access strategy for the major developments

22.3 Certainty

22.3.1 Proposal AEA5 indicates the need for the Clyst Honiton Bypass and other highway works to existing routes to accommodate the road traffic arising from the New Community and the other major developments planned for the surrounding area. The Access Strategy for Proposed Developments to the East of Exeter in the Exeter Area of Economic Activity⁵¹ sets out the results of several years of work to define the access requirements for the major developments. It reflects close partnership working by all the relevant authorities. Although a large number of Objectors question the need for various components of the strategy, the report’s conclusions on the technical need for the Clyst Honiton Bypass and other highway works are not seriously challenged by any comparable evidence from Objectors. Accordingly, there is no justification for me to give anything other than support to the various measures outlined in the document.

22.3.2 The only outstanding issue, in my view, is whether AEA5 conveys sufficient certainty over the implementation of the access strategy within the time frame of the Local Plan. At the Inquiry, the Council introduced a Memorandum of Agreement (MOA)⁵² between the relevant authorities, EDNCP and other bodies. I consider that this provides a welcome clarification of the respective responsibilities in respect of the access strategy. In particular, it confirms that the County Council is preparing the planning application for the Bypass; the Church Commissioners and the County Council will make their land available for the project for a nominal sum, and EDNCP will bear the costs of construction of the Bypass. Whilst I accept that the MOA may not be a legally binding document, there is no reason for me not to attach significant weight to it as an indication that AEA5 is realistic and achievable. I consider that the MOA does much to meet the concerns of those Objectors, both those with and those without Duly Made Objections to AEA4, who have sought to cast doubt on the seriousness of intent to implement the access strategy. The access strategy will enable the New Community to provide for the vast majority, if not all, the dwellings allocated to it in the period of this Local Plan. There is no contrary evidence to that of the Council’s that the Bypass can proceed in tandem with the development of the New Community.

22.3.3 In my view, AEA5 could be re-worded to reflect the progress that has been made, as reflected in the MOA. I propose an appropriate modification for the Council to consider.

22.3.4 With regard to the many detailed concerns that Objectors have about the Bypass, such as its visual relationship with Clyst Honiton village, and the possible impact on the local highway network, I am satisfied that these are matters that can be addressed at the planning application stage when developers will be required to submit transport assessments, in accordance with Policy TA3, and proposals for remediation and improvement. I do not consider that the Local Plan needs modification to meet these types of Objections, albeit they raise locally important issues.

⁵¹ LD 59

⁵² LD 536

22.4 Conclusion and Recommendations

22.4.1 In conclusion, the access strategy is well founded. However, the Local Plan would benefit from AEA5 being modified to convey more certainty.

22.4.2 R 22/1 – Modify the Plan in accordance with Proposed Changes 30 and 31;

22.4.3 R 22/2 – Modify the Local Plan by re-wording AEA5 thus: “The Access Strategy for the New Community, Skypark, the New Airport Terminal and the Intermodal Facility requires a number of transport projects to be implemented by 2011. The most significant of these is the Clyst Honiton Bypass, the route of which is shown on the Proposals Map. The landowners of the proposed developments have agreed to work together to construct the Bypass. Other transport projects will be implemented in accordance with transport assessments and using legal agreements”.

EAST DEVON LOCAL PLAN - LOG OF CHANGES PROPOSED TO INSPECTOR AT FIRST STAGE OF INQUIRY (LIBRARY DOCUMENT NUMBER 70)

FINAL LOG OF CHANGES PRESENTED TO THE INSPECTOR – MONDAY 14TH FEBRUARY 2005

No	Inquiry Session	Comment	Representor/s (Relevant Rep No/s)	Policy/ Para or part of Plan	Changes Proposed in Council Proofs	Specific wording changes agreed by the Council and Objectors at Inquiry
2	2. Overall Local Plan Strategy		Cllr Mrs R Burrow, Mr D. Button and Rockbeare Parish Council (2536, 10365, 6696)	2.6		Amend objective numbers so that item shown as ii) improve transport.. etc. is numbered iii), item shown as number iii) is numbered iv) and item shown as iv) is numbered v)
1	1. Council Summary and Introduction to Stage 1 of Inquiry		Cllr Mrs R Burrow, Mr D. Button and Rockbeare Parish Council (2536, 10365, 6696)	1.16		Amend the third sentence in paragraph 1.16 to read : "At the end of the deposit period the Council, where appropriate, discussed objections with objectors to consider whether there were changes could be made to the plan which would satisfy either fully, or at least in part, the objectors' concerns".
3	2. Overall Local Plan Strategy		Cllr Mrs R Burrow, Mr D. Button and Rockbeare Parish Council (2536, 10365, 6696)	2.14		Replace the second and third sentences of paragraph 2.14 with "The County Council, as Mineral Planning and Waste Planning Authority, adopted the Devon Minerals Plan in June 2004 and a Waste Local Plan was placed on deposit on 27 th February 2003"
4	2. Overall Local Plan Strategy	This point was also raised in Session 3 when the same amended wording was proposed.	Church Commissioners for England (Agents Cluttons) (1669)	2.24(v), Policy S1B	Amend paragraph 2.24(v), Policy S1B and other references in the plan to the intermodal freight facility to refer to "an intermodal facility for the transfer of freight and a freight distribution centre"	
5	2. Overall Local Plan Strategy			2.10	Delete the last sentence of paragraph 2.10	
6	2. Overall Local Plan Strategy			12.8B	Update paragraph 12.8B to reflect the fact that the New Community Draft Supplementary Planning Guidance was published in June 2004.	
7	2. Overall Local Plan Strategy	At Inquiry there was discussion about the relevance of the use of the term Exeter AEA in the Local Plan given that this term is no longer used in the adopted 2016 Structure Plan. Exeter PUA is the new terminology used in the adopted Structure Plan. It was agreed by the Council and	Church Commissioners for England (Agents Cluttons) (1669)	Policy S1B and elsewhere		It is proposed that the title of Chapter 12 of the plan and policies in this chapter are changed to refer to PUA rather than AEA and that changes are incorporated throughout the text in Chapter12/ elsewhere to refer to PUA. However, AEA terminology will need to remain in the plan in respect to tables and data references. It is also proposed that an additional paragraph 2.9b is included in the plan in respect of the status of AEA/PUA. The proposed wording of this paragraph is attached in Appendix 1.

No	Inquiry Session	Comment	Representor/s (Relevant Rep No/s)	Policy/ Para or part of Plan	Changes Proposed in Council Proofs	Specific wording changes agreed by the Council and Objectors at Inquiry
		objectors that the Local Plan should be amended to reflect this change and revised wording to be incorporated into Policy S1 B.				
8	3. Delivery of the Major Devts in the AEA		Church Commissioners for England (Agents Cluttons) and (1669) New Community Partners (Agents David Lock Assocs) (16877)	S1B	Delete " <i>potentially</i> " from the Policy S1B to recognise that the major development in/at the Exeter AEA/PUA will extend beyond 2011.	
9	3. Delivery of the Major Devts in the AEA			S1B	In Criterion 1 insert " <i>at least</i> " before " <i>2900 dwellings</i> " to recognise the long term growth of the new community.	
10	3. Delivery of the Major Devts in the AEA	In earlier versions of the log of changes reference was made to Criterion 1 to the delete of " <i>to include</i> " and replacement with " <i>with provision of</i> ". This was incorrectly recorded and should have read "with provision for" the suggested change now reflects this amendments.		S1B	Also in Criterion 1 delete " <i>to include</i> " and replace it with " <i>with provision for</i> " to reflect the fact that for many facilities (eg schools) the developer is not the provider, responsibilities rests with a statutory authority.	
11	3. Delivery of the Major Devts in the AEA			2.48b	In paragraph 2.48b (7 th line down) " <i>new community, which is</i> " should be deleted and replaced with " <i>strategic developments outlined in Policy S1B and which are</i> ". This will clarify that all of the developers of strategic schemes will need to play a part in infrastructure provision.	
12	4. Overall Housing Strategy		New Community Partners (Agents David Lock Assocs) (16877)	2.48b/	Paragraph 2.48b should be amended to note that all of strategic developments outlined in paragraph S1B should make financial contributions rather than just the New Community.	
	5. New Community – Planning Process	No changes proposed by Council or agreed at session.				

No	Inquiry Session	Comment	Representor/s (Relevant Rep No/s)	Policy/ Para or part of Plan	Changes Proposed in Council Proofs	Specific wording changes agreed by the Council and Objectors at Inquiry
	6. Consequences of not proceeding with the New Community	No changes proposed by Council or agreed at session.				
13	7. New Community – Relationships with Surrounding Areas		New Community Partners (Agents David Lock Assocs) (16877)	12.15	The last but one sentence in paragraph 12.15 of the Local Plan be amended to read:- “Additional work to mitigate the impacts of development on the highway and transport network may also be required, in particular Station Road and Crannafor Lane should be assessed.”	
14	7. New Community – Relationships with Surrounding Areas		Cllr Mrs R Burrow, Mr D. Button and Rockbeare Parish Council (2536, 10365, 6696)	12.15		The last but one sentence in paragraph 12.15 of the Local Plan be amended to include after “Crannafor Lane” :- “Southbrook Lane, Blackhorse Lane and Airport Road”
15	7. New Community – Relationships with Surrounding Areas		Cllr Mrs R Burrow, Mr D. Button and Rockbeare Parish Council (2536, 10365, 6696)			Include an additional paragraph in Chapter 12 as 12.6B to read, “Local authorities and service providers will need to recognise, assess and address the impact of the new community upon existing community and other facilities in neighbouring villages.”
16	7. New Community – Relationships with Surrounding Areas	The New Community Partners position is that the limitation on development of the new community pending relocation of engine testing facilities is unnecessary and should be removed. However, it was agreed at the Inquiry that if the limitation is to be retained then the wording in Policy AEA1 relating to this could be improved. Amended policy wording and consequential changes to paragraphs 12.7 and 12.7b and Inset Map 24 have been agreed by the Council and the New Community Partners and this is attached	New Community Partners (Agents David Lock Assocs) (16877)	12.7, 12.7b' Policy AEA 1, Inset Map 24		

No	Inquiry Session	Comment	Representor/s (Relevant Rep No/s)	Policy/ Para or part of Plan	Changes Proposed in Council Proofs	Specific wording changes agreed by the Council and Objectors at Inquiry
		in Appendix 1.				
	8. New Community – Housing	No changes proposed by Council or agreed at session.				
	9. New Community – Site Selection	No changes proposed by Council or agreed at session.				
	10. New Community – Natural Environment	No changes proposed by Council or agreed at session.				
	11. New Community – Urban Design	No changes proposed by Council or agreed at session.				
	12. New Community – Landscape Considerations	No changes proposed by Council or agreed at session.				
17	13. New Community – Water and Flooding		East Devon New Community Partners (16877, 16817, 16979)	12.7	Insert in line 15 before the sentence beginning "Detailed studies ..." the following: "W S Atkins carried out a Strategic Flood Risk Assessment (Exeter Area of Economic Activity: Drainage Review Study Jun 2003) of the developments proposed in the Local Plan to the east of Exeter. This confirmed that a strategy based on avoiding the fluvial floodplain for development and restricting run-off from the development to that equivalent from a green field site is achievable. "	
18	13. New Community – Water and Flooding		East Devon New Community Partners (16877, 16817, 16979)		Insert a new paragraph 1.32b in Chapter 1 referring to the W S Atkins report as follows: "Strategic Flood Risk Assessment This assessment and the resulting report (Exeter Area of Economic Activity: Drainage Review Study June 2003) was produced by W S Atkins. The report assessed the flooding problems that could arise as a consequence of the implementation of the major developments	

No	Inquiry Session	Comment	Representor/s (Relevant Rep No/s)	Policy/ Para or part of Plan	Changes Proposed in Council Proofs	Specific wording changes agreed by the Council and Objectors at Inquiry
					proposed to the east of Exeter".	
19	14. New Community – Physical Infrastructure		Devon County Council (4756)	12.7	Delete the words “and proximity to Skypark and the airport” from Item 3.	
20	14. New Community – Physical Infrastructure		Devon County Council (4756)	12.16	Amend the final sentence to read: “Of particular importance for public transport will be potential links between the New Community and Exeter and the development areas to the east of Exeter; between the new station serving the New Community, commercial and town centre areas of the new community, Skypark and the new Exeter Airport terminal”	
	15. New Community - Social/ Community Infrastructure	Need to update plan to refer to the PUA. See change 7 above.				
	16. New Community - Employment Land	No changes proposed by Council or agreed at session.				
21	17. New Community – Implementation	Agreed at Inquiry there was a need to refer to Section 106 obligations and phasing in Proposal AEA 1.	Cllr Mrs R Burrow, Mr D. Button and Rockbeare Parish Council (2536, 10365, 6696)			Replace the last sentence of the first paragraph of Proposal AEA1 with “ The Council will require the provision of the following infrastructure and other facilities by means of either conditions or Section 106 obligations (whichever is appropriate), in line with a phased programme of delivery (where phasing is appropriate), to be secured in advance of any planning permission being granted”
	18. New Community – Long term Development	No changes proposed by Council or agreed at session.				
22	19. Intermodal Interchange				As proposed at Sessions 2 and 3 references to the intermodal facility to refer to “an intermodal facility for the transfer of freight and a freight distribution centre”	
23	19. Intermodal Interchange				Paragraph 6.11 – remove the two phrases: ‘and the Intermodal Facilities’; ‘and the Intermodal Facility’.	
24	19. Intermodal Interchange				Reword section ii) of paragraph 6.13. The proposed wording of section ii) of paragraph 6.13 is attached in	

No	Inquiry Session	Comment	Representor/s (Relevant Rep No/s)	Policy/ Para or part of Plan	Changes Proposed in Council Proofs	Specific wording changes agreed by the Council and Objectors at Inquiry
25	19. Intermodal Interchange	At discussions at the inquiry session it was agreed that Council should expand the plan text to set out more clearly what an Intermodal Interchange comprises.			Appendix 1. Reword paragraph 12.9. The proposed wording of paragraph 12.9 and new paragraphs 12a and 12b is attached in Appendix 1.	
26	19. Intermodal Interchange				Reword Proposal AEA 2. The proposed wording of Proposal AEA 2 is attached in Appendix 1.	
27	20. Skypark				Insert the word 'Skypark' throughout the plan after 'employment land in the AEA' (or similar references) where it is clear that it is the 'Skypark' site that is the site that is being referred to.	
28	20. Skypark	Agreed at Inquiry that the basis for selecting land adjoining the Airport for the Skypark development should be clarified in the text.		12.10	Delete the first four sentences of paragraph 12.10 and insert the following:- "A proposal to use land adjoining Exeter Airport (Skypark) to meet the Structure Plan requirement for a strategic employment site east of Exeter was strongly supported in the Issues Report consultation exercise. This site makes use of previously developed land and provides scope for a high quality business park, potentially related to the proximity of the Airport, but also to the developing economic role of the Exeter PUA . It will have good access to the strategic road network via the proposed Clyst Honiton Bypass and is in close proximity to the rail station proposed for the new community. A proposal by Devon County Council to develop Skypark is currently under consideration by the District Council."	
29	21. New Airport Terminal	Agreed at inquiry session that paragraph 12.12 should be amended to more fully set out the role and importance of		12.12		Insert new sentences at the beginning of paragraph 12.12 to read: "Exeter Airport is an Accessibility Point in the European Airport Network and fulfils an important role in the Exeter sub-region."

No	Inquiry Session	Comment	Representor/s (Relevant Rep No/s)	Policy/ Para or part of Plan	Changes Proposed in Council Proofs	Specific wording changes agreed by the Council and Objectors at Inquiry
		Exeter International Airport and proposals for future growth.				
30	22. Clyst Honiton Bypass and Other Highway Issues			Policy S1B	Add to the final sentence of Policy S1B the following:- "Delivery will be secured through legal agreements which secure appropriate financial contributions and/or land to ensure the timely implementation of the appropriate infrastructure projects."	
31	22. Clyst Honiton Bypass and Other Highway Issues			paragraphs 12.14 and 12.15	Reword paragraphs 12.14 and 12.15 as attached in Appendix 1.	

APPENDIX 1

Change No 7

New paragraph 2.9b

“Deletion of Areas of Economic Activity and Introduction of Principal Urban Areas

Areas of Economic Activity (AEAs) have been deleted from the 2016 Structure Plan adopted on the 8th October 2004. Instead the Structure Plan refers to Principal Urban Areas (PUAs) reflecting Regional Planning Guidance for the South West (RPG10, now RSS 10). However, because house completions and employment development (and some employment allocations) in the wider area of the Exeter AEA have met part of the 2011 Structure Plan development requirements, the definition of this now superseded designation needs to be retained in the Plan for statistical purposes and to explain the basis by which the Council prepared the Local Plan. Accordingly, references in the Revised Deposit Local Plan to the AEA have been replaced with PUA, except where it is necessary to refer to the AEA to explain how the 2011 Structure Plan requirements for the East Devon part of the Exeter AEA and the rest of East Devon have informed the policies and proposals of the Local Plan. It is recognised that the AEA concept now has no policy significance and that due weight needs to be given to the now adopted Structure Plan to 2016. The District Council considers that the policies and proposals set out in this Local Plan accord with the revised Structure Plan framework but these will be rolled forward to 2016 in a Local Development Framework for the District, including an Area Action Plan for the Exeter PUA, in the light of the now adopted Structure Plan.”

Change No 16

i) Amend the first sentence of Paragraph 12.7 to read :-

“On the basis of assessment of the above criteria and in the light of additional detailed studies a site for the New Community has been selected. Within the new community boundary an area is defined by the arc of a radius drawn at a distance of 1,400 metres from the most northerly of the existing aircraft engine testing sites at Exeter International Airport (see paragraph 12.7b below)”

ii) Amend Paragraph 12.7b to read :-

“12.7b One of the sites used for engine testing at Exeter Airport lies just to the north of the main runway. This land is identified in the Local Plan as the site of a new airport terminal. This site is also the engine testing position that is closest to the new community. The 1,400 metre radius is defined on advice from Bickerdike Allen. Subject to engine testing to the north of the main runway at Exeter Airport ceasing, as it will need to do with the development of the new Terminal and/or of the Skypark development (if it does not otherwise occur sooner), the new community development can incorporate the most south-westerly part of the site, as shown on the PUA Inset Map as ‘Land Subject to Restriction due to Engine Testing’. Alternatively, this part of the site could be developed with the engine test site remaining to

the north of the main runway provided a noise control scheme for protecting, if necessary, the bedrooms of residential buildings has been agreed and implemented.

- iii) Replace the paragraph below item 13 in Proposal AEA1 (which will become PUA1 – see change 7) with the following:-

“The new community boundary includes an area of land defined on the Exeter PUA Map as “Land Subject to Restriction due to Engine Testing”. Construction work on any residential building shall not begin in this part of the new community until a noise control scheme for protecting the proposed noise-sensitive development has been submitted to and approved by the local planning authority, the scheme shall ensure that,

(a)no residential building shall be forecast to be exposed to greater than 65 dB LAeq,(5m) at night from engine test noise at Exeter International Airport.

Or

(b)where this cannot be achieved the building envelope of the bedrooms of any residential building shall provide an adequate reduction of external noise, by having a building envelope sound insulation of 30 dB(A).”

- iv) On the key to Inset Map 24 replace “New Community – Land identified for Development following Airport Engine Testing Relocation (**AEA1**)” with “New Community - Land Subject to Restriction due to Engine Testing (**PUA 1**)”

Change No 24

Amend paragraph 6.13(ii) to read :-

“In the longer term the proposed intermodal facility for the transfer of freight and a freight distribution centre will occupy a developable area of approximately 44 hectares of land. Development of the intermodal facility for the transfer of freight and a freight distribution centre is anticipated to extend beyond the plan period. The facility is not classified as an employment site under plan policy but it will offer transport related employment opportunities, both road and rail.”

Change No 25

- i) Amend paragraph 12.9 to read:-

“An area has been identified on the Proposals Map for the location of an intermodal facility for the transfer of freight and a freight distribution centre. This is to meet the need for new intermodal facilities in the South West and to support the Government’s transport policy encouraging the transfer of road-based traffic to rail. The London to South West and South Wales Multi-Modal Study (SWARMMS) assessed a number of potential sites in the sub-region and concluded that the site shown on the proposals map is the best option.”

- ii) Add a new paragraph 12.9a and 12.9b to read:-

“12.9a The proposal comprises the following:

Intermodal Terminal – a new rail spur and marshalling yard off the Exeter-Waterloo mainline to allow freight trains to transfer goods between road and rail. This includes rail

sidings and ancillary areas for 'reach stacker' vehicles to load and off-load containers from the trains entering the terminal. Part of the terminal could be used for the temporary storage of containers and part will house a control office and ancillary buildings for customs, security and staffing.

Distribution Centre – primarily B8 storage and distribution warehousing units for the handling and redistribution of freight. The presence of the intermodal terminal will encourage operators to use rail-based distribution. Some of the units may have their own dedicated rail link. The specific types of warehousing and end users would depend on market demand.

12.9b "Before development of the site, full archaeological investigations will be required. Also a considerable part of the site is an area of sand and gravel deposits identified in the Devon Minerals Local Plan as an Area of Mineral Resource. However, the Mineral Planning Authority has determined that, on balance, it is considered that the need for the development can be demonstrated to outweigh the requirement to safeguard the mineral resource at the site."

Change No 26

Proposal AEA2 (PUA2) be reworded as follows:

"Proposal PUA2 (Intermodal Facility for the Transfer of Freight and a Freight Distribution Centre)

A site is identified on the Proposals Map for an intermodal facility for the transfer of freight and a freight distribution centre (B8 and ancillary B1 uses). In order to comply with the Devon Structure Plan land uses on the site shall be restricted to activities which are wholly related to the transfer and handling of freight. Before development commences on the site a full archaeological investigation shall be carried out. Before the occupation of any warehouse unit, an adequate rail junction with the Exeter-Salisbury mainline is required and the intermodal freight terminal is to be completed and ready for operation. The rail junction and intermodal freight terminal shall remain in place indefinitely.

The identified site occupies a gross area of 65 hectares of which 44 hectares will be developed for the intermodal facility for the transfer of freight and a freight distribution centre. Of this developable area some 20 hectares of land for freight handling facilities and part of the distribution centre is envisaged to be developed in the plan period, although the Local Plan does not preclude completion of the entire scheme prior to 2011."

Change No 31

Amend paragraphs 12.14 and 12.15 to read as follows:-

"12.14 In total, during the life-span of the adopted Structure Plan (to 2011) there are projected to be four major developments within the AEA area, these are the New Community, the Intermodal Freight, employment land (Skypark) at the Airport and the re-sited Airport Terminal. All of these developments will place pressure on sections of the old A30 and also adjoining roads. Movements to the west would involve intensification of use of the access to the new A30 north of Sowton Village which would then be unsatisfactory on its current layout. The only existing alternative to this would be traffic progressing through Clyst

Honiton village to reach the Airport junction on the new A30. Such routing would place unacceptable traffic loads upon Clyst Honiton and be seriously detrimental to the amenity and safety of residents in the village.

12.15 The Access Strategy for the proposed developments to the East of Exeter in the Exeter Area of Economic Activity has been drawn up of which an important traffic requirement in phase one arising directly from the four major developments....”

Other Amendments/Items Noted at Inquiry

A factual error was made in the Council proof to **Session 9 - Site Selection** at paragraph 2.27. In the proof in response to a representation submitted by M Baker (Property Services) Ltd (5885.D63) a site is identified as being located at Bluehayes, this in fact should read Southbrook. In the Council proof to Session 9, at paragraph 2.27, replace ~~Bluehayes~~ with **Southbrook**.

**EAST DEVON DISTRICT LOCAL PLAN
REVISED DEPOSIT 1995-2011**

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