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East Devon District Council  
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09 January 2023

*By Email Only*

Dear Sir/ Madam

**MLPD 22017 On Behalf of L Askew East Devon Local Plan 2020-2040 Preferred Options Regulation 18 Draft Plan Consultation Response**

On behalf of our client, L Askew, we submit representations in relation to the Draft East Devon Local Plan on her land interests to the south of the A30 near Exeter Airport, some of which make up part of the northern portion of the Denbow Masterplan (Please see Appendix 1).

In this response we raise key Local Plan themes that require attention by East Devon District Council (EDDC) as part of the due process regarding appropriate consultation of the plan, its policies, and allocations.

We go on to provide specific responses to the plan questions in Appendix 1.

**The Duty to Cooperate**

The Duty to Cooperate places a legal duty on Local Planning Authorities to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. The NPPF sets out under paragraphs 24-27 that Local Planning Authorities and County Councils are under a duty to cooperate with each other on strategic matters that cross administrative boundaries. Paragraph 26 specifically notes that joint working should help to determine where

additional infrastructure is necessary, and whether development needs that cannot be met within a particular plan area could be met elsewhere. This process within Devon is guided by the Devon Duty to Cooperate Protocol. This protocol includes reference to the development of appropriate housing development strategies across administrative boundaries.

East Devon District Council (EDDC) has a duty to cooperate with neighbouring authorities. Moreover, its Local Plan must align with the requirements of the NPPF and synchronise with Exeter City Council (ECC)'s Local Plan, Teignbridge District Council (TDC)'s Local Plan and Mid Devon District Council (MDDC)'s Local Plan, particularly if it (or any neighbouring authority), cannot show that it (or any neighbouring authority), can viably meet its (their) housing and jobs needs on land in its (their) jurisdiction, as outlined in these representations.

At present, the Council is proposing a 20-year Local Plan to meet its "needs" without harm. This means that the Local Plan will have to earmark land to meet the required housing and jobs numbers projected for 20 years without significant harm to the climate or the environment. Encapsulated, the Council's present position appears to be that it has decided to meet its own needs on land in its jurisdiction without reliance on other Councils; but crucially it has not considered the needs of other Councils and whether other neighbouring authorities can meet their development needs. We do not believe that the Local Plan can be found "sound," in such circumstances, unfortunately.

Taken on, the neighbouring authority, ECC, has also adopted the (unrealistic) position that it can meet all its development needs on land in its jurisdiction without reliance on other Councils but quite simply this "vision" is undeliverable and unviable mainly because it proposes to build around 8,000 homes on high performing brownfield employment land when it is already 2,000 houses shy (pro rata) of an **at least** housing requirement of 12,000 in the current plan period.

In other words, there is a strong possibility that East Devon will have to accommodate a significant proportion of ECC's development "needs" because either housing will displace employment land (unlikely in our view) or land will be required for Exeter's housing needs in other districts, including in the "West End" of East Devon.

### Response

*East Devon District Council (EDDC) is failing in its Duty to Cooperate, to responsibly and sustainably identify and allocate the most appropriate land for development. Further work*

*must be done to ensure that development is delivered in the most sustainable locations around the Exeter area (irrespective of whether it's in EDDC, TDC, MDDC or ECC).*

*The Plan should be prepared and refined via constant dialogue with adjoining Councils and key stakeholders including landowners. If these key stakeholders are not incentivised to take part, significant parts of the plan will probably fail.*

## **Housing Delivery and 5 Year Housing Land Supply (5YHLS)**

Neither East Devon District Council (EDDC) nor neighbouring Exeter City Council (ECC) have a robust 5-year housing land supply (\*5YHLS).

For EDDC, the annual housing requirement figure has gone up to 946 homes per year because of changes to the affordability ratio which is a key input into the government's standard method for calculating housing need (the GESP annualised local housing need for EDDC was 900 dwellings). The increased figure combined with a declining supply position means that a 5-year housing land supply can no longer be demonstrated, with EDDC only having 4.68 years of housing land supply with a 5% buffer (Housing Monitoring Update to year ending 31 March 2022 Report to Strategic Planning Committee, 4<sup>th</sup> October 2022).

The reporting confirms 4.68 years of housing land supply, meaning a shortfall of 328 dwellings (65.6 dwellings per year over the 5-year period) (Housing Monitoring Update to 31 March 2022).

The new Local Plan will need to demonstrate that EDDC will have a robust 5-year housing land supply at the point of adoption of the plan if it is to be found "sound" at examination.

### Response

*East Devon's Local Plan is technically "out of date" (it is more than 5 years old). Securing East Devon's 5-year land supply is critical to the Local Plan's success.*

*The under supply of housing in the current plan period needs to be correctly addressed by the Council and the shortfall should be rectified within the emerging Local Plan.*

*Our client believes that the Council, in line with Sustainability Appraisal work commissioned by it, should continue to encourage development away from protected landscapes afforded*

*the highest level of national planning policy direction within EDDC (e.g., World Heritage Sites; Areas of Outstanding Natural Beauty; 2/3 of the district is covered by an AONB designation).*

*Strategic housing and employment development should be focussed within the “West End” of East Devon and/or close to it where the vast majority of key physical, social and community and green infrastructure exists or is planned for. The western end of East Devon (which is where our client’s land is), together with Exeter City is the area considered to be the economic driver for the subregion, and its growth cannot be constrained for social and economic reasons.*

*The under supply of housing in the current plan period needs to be correctly addressed by the Council and the shortfall should be rectified within the emerging Local Plan.*

*The Council should positively engage with ECC and accommodate the development “needs” of the City which cannot be met there.*

### **Affordable Housing Delivery**

EDDC Housing Monitoring Update to 31 March 2022 confirmed that a total of 241 affordable units were delivered during 2021/22.

The East Devon Local Housing Needs Assessment 2022 report by consultants ORS, Report to Strategic Planning Committee (7<sup>th</sup> October 2022) states that the Affordable Housing Need in East Devon is forecast to be 3,530 households for the 20-year period 2020 to 2040. The Draft Local Plan states that the affordable housing figure is 4,070 (net). This equates to 204 households per year.

Whilst affordable housing delivery in EDDC is faring better than neighbouring authorities (see Appeal reference APP/Y1110/W/22/3292721 25th August 2022 which noted that Exeter has a demonstrably acute and persistent under-delivery of affordable housing delivering only 6 affordable homes in the last year), a distorted marketplace where house price to earnings ratio is one of the worst in England (and getting worse), will undoubtedly lead to challenges within EDDC to deliver enough “affordable homes” and across the subregion, generally.

### *Response*

*The East Devon Local Plan must prioritise securing appropriate, viable levels of affordable housing within the plan period in the context of Exeter’s chronic undersupply and the issue*

*faced across the subregion. Inspectors are giving “significant weight” to undersupply in decisions.*

*Adequate resource for these purposes must be made available.*

## **Employment Land Supply and Delivery**

Alongside housing growth, the strategic objectives of supporting business investment, job creation opportunities and building a resilient economy must be at the heart of the plan. Policies will need to help make the district an attractive and competitive place to start, grow and invest in a broad range of businesses, attracting more and higher skilled jobs and attracting and retaining people of working age.

A report to Strategic Planning Committee (22nd June 2021) states that in terms of achieving “matched” housing and employment new employment provision is around 1/3 (33%) behind in the delivery of new jobs compared to housing since the adoption of the current Local Plan.

There is a growing demand for additional employment land in the district and subregion to serve successful companies wanting to expand into the subregion and for businesses that want to relocate to the subregion. Additionally, there is demand for land to accommodate the strong and sustainable growth of existing businesses across the district and subregion. Supply is falling well short of demand causing significant negative economic and social impacts. The Council independently recognized the imbalance in availability and supply with a Report to Strategic Planning Committee (22nd June 2021).

This is not a new issue. The HotSW Employment Land Study Research Findings, 5th December 2019 found that East Devon frequently failed to fulfil enquiries. The Report to Strategic Planning Committee (22nd June 2021) cited a lack of available, unconstrained sites and concluded that even though there was a supply of allocated sites, that many of these were not coming forward for development, suggesting they are not truly available or viable. Therefore, land ownership and viability must be considered critical deliverability issues when allocating employment sites in this plan.

Taken together EDDC committee papers confirm that the western part of the district is the area identified for strategic growth (this reflects the (Greater Exeter Strategic Plan) GESP which said that the area should accommodate subregional development needs) mainly because the same papers recognise (rightly) that two thirds of the EDDC area is covered in the highest tier restrictive landscape policy designations (67% is AONB).

The neighbouring authority, ECC, does not have a five-year housing land supply putting pressure on the small amount of employment land that is available within the City for alternative uses, and some sites previously allocated for employment have already been granted permission for residential uses.

The draft ECC Local Plan proposes an unsustainable “vision” encouraging residential development on existing high performing employment areas such as Marsh Barton. This would result in the further displacement of employers and occupiers in the City, exacerbating the imbalance with surrounding authorities, and worsening the documented (including in Council papers) demand and undersupply of employment land within East Devon and the subregion.

### Response

*Simplified, the current shortfall within EDDC and the additional context within adjoining ECC means that the emerging East Devon Local Plan must plan effectively and collaboratively for the sustainable release and delivery of high-quality employment land in the most suitable locations. If it cannot demonstrate that the proposed strategy is appropriate and will meet the Local Plan objectives and the needs of the district and subregion up to 2040, then significant parts of the plan will fail.*

*It is likely that differing policies and strategies will be needed within East Devon to accommodate the growth that is required. Viably delivering the employment numbers required in the plan period means that more land will need to be released in line with market, district, and subregional needs.*

*Our client believes that the Council, in line with Sustainability Appraisal work commissioned by it, should continue to encourage development away from protected landscapes afforded the highest level of national planning policy direction (e.g., World Heritage Sites; Areas of Outstanding Natural Beauty; 2/3 of the district is covered by an AONB designation).*

*Strategic housing and employment development should therefore continue to be focussed in the “West End” of East Devon and/or close to it where the vast majority of key physical, social and community and green infrastructure exists or is planned for.*

### **The Emerging Local Plan Development Strategy / Vision**

East Devon District Council’s planning policies are out of date and the district is facing a chronic housing and employment land shortage (along with neighbouring Exeter City).

The plan vision focuses new development on the western side of the district, including a new town and other major strategic developments close to Exeter.

### Response

*For the reasons highlighted above including significant aggregated undersupply in the current plan period, it is considered that additional land for housing and employment must be allocated, particularly in the “West End”, (away from protected landscapes afforded the highest level of national planning policy direction e.g. World Heritage Sites; Areas of Outstanding Natural Beauty; 2/3 of the district is covered by an AONB designation) which, along with Exeter City, is the area considered to be the economic driver for the subregion; it’s growth cannot be constrained for social and economic reasons.*

### **Our Client’s Land Interests**

Our client’s land interests (Appendix 1), are well located, relatively unconstrained and are available and suitable for strategic residential development (as part of Denbow) and “softer” related uses (such as for BNG and SANGS).

### **Conclusions**

The Council is proposing a 20-year Local Plan to meet its “needs” without harm. This essentially means that the Local Plan will have to earmark land to meet the required housing and jobs numbers projected for 20 years without significant harm to the climate or the environment.

EDDC will have to cooperate with adjoining councils to deliver its development requirements if its Local Plan is to be found “sound”.

The “West End” should remain a key focus for growth. Our client’s land interests are in this sustainable location. The land is suitable and available to meet EDDC development needs, as well as to meet Exeter’s needs broadly in line with the issues the sub region faces.

If you require further information about specific aspects of the representations made, please contact us at the above address.

Thank you.

Yours faithfully

James

**James McMurdo MRTPI MRICS**

Director

For and on behalf of McMurdo

Copies: Client



## Appendix 1 L Askew Land to the South of the A30

