



**East Devon District Council  
Forward Planning Team  
East Devon draft local plan review regulation 18 consultation.**

Dear Sir / Madam

**Land at Mosshayne Lane, Pinhoe, Exeter**

These representations have been prepared on behalf of the landowners at Mosshayne Lane, Pinhoe, Exeter, in response to the East Devon Local Plan (Regulation 18) Consultation Document (hereafter referred to as the "Draft LP"). The site, which is located on the western edge of East Devon, has previously been promoted during East Devon's Local Plan Review as part of the Call for Sites and Issues and Options Consultations. The site is able to accommodate approximately 1,000 homes, land for educational use and extensive areas of public open space, including a country park and is available now for delivery within the LP period. The site would make a significant contribution to the Council's housing land supply alongside the proposed new town.

This representation to the East Devon Local Plan Review Consultation (Regulation 18) is submitted on behalf of Barratt Homes (Exeter) Limited (hereafter Barratt Homes). As a national housebuilder, they control a number of land parcels across East Devon.

Barratt Homes have taken an active role for a number of years in reviewing and responding to emerging planning policy within East Devon. To that end they submitted representations to the previous Regulation 18 consultation on the emerging Local Plan, which was held in 2021.

At a time when the sector has hit the headlines we remain a trusted partner of local and central government. Helped by being independently recognised as the most sustainable national housebuilder and the industry leader on design and customer service.

Over 60 years of trading means we have secured planning consent for over 300,000 plots. Our approach to landowners is based on a simple commitment. To create great places. Working with Barratt means you always know exactly what will be built on your land, and that there will be no delays after we have secured consent.

Given their interests, Barratt Homes are pleased to see the emerging Local Plan progress to the Regulation 18 Preferred Options stage and are generally supportive of its content. However, notwithstanding their general support for the Plan, Barratt Homes draws the Local Planning Authority's attention to a number of areas that they believe require further consideration to ensure that the Plan is a sound proposition. Such considerations include:

- Given the likely lead-in times for its production, the timeframe that the Local Plan covers may need to be extended;
- The spatial strategy should afford more of a role to Moss Hayne Lane Pinhoe in meeting the District's housing needs, particularly given that the settlement is near to Pinhoe railway station;
- Having regard to levels of housing affordability, the economic development strategy

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for the area, unmet needs from neighbouring authorities and the existing shortfall in housing delivery compared to the current Local Plan housing requirement, there may be a need to provide a higher level of housing than is currently being planned for;

- A greater flexibility allowance should be included (10%);
- There is the potential for the double counting of windfall provision;
- Some of the policies contained within the emerging Plan have not been adequately evidenced, duplicate Government policy and could adversely impact the viability and the deliverability of development sites.

As set out in national planning policy, strategic policies should look ahead over a minimum 15-year period from the date of the adoption of the Local Plan<sup>1</sup>. In addition, planning law requires the preparation of a Local Development Scheme, which must specify the development plan documents that, once prepared, will comprise the development plan for the area<sup>2</sup>. The same section of the 2004 Planning Act requires local planning authorities to provide a timetable for the preparation and revision of development plan documents and for local planning authorities to provide up-to-date information showing the **“state of the authority’s compliance (or non-compliance) with the timetable...”**

For East Devon, the latest Local Development Scheme was adopted in April 2022. Para. 4.1 of the document shows the following stages of preparation for the emerging Local Plan Review:

Plan-Making Stage	Date
Draft Plan	Autumn 2022
Publication Plan	Autumn 2023
Submission	Early 2024
Inspector’s Hearings	2024
Adoption	2025

This timeframe corresponds to that set out in para. 1.3 of the Regulation 18 consultation version of the emerging Local Plan.

Para. 1.4 of the emerging Local Plan confirms that it is the Local Planning Authority’s intent that the Plan will cover the period from April 2020 to the 31<sup>st</sup> March 2040. This would mean that to ensure compliance with para. 22 of the NPPF, there would be a need for the Local Plan to be adopted before 31<sup>st</sup> March 2025.

Working backwards, this would mean that over the fifteen month period between the submission of the Local Plan and its proposed adoption, the following likely stages of plan preparation would be required:

- The appointment of the examining Planning Inspector(s) and the Programme Officer by the Planning Inspectorate;

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- The scheduling of the Hearing Sessions;
- The preparation of Hearing Statements;
- The Hearing Sessions;
- Proposed Main Modifications (likely to be required), with supporting technical information;
- Publication of the Inspector's Report;
- To seek the recommendation of the Strategic Planning Committee for the Plan to be Adopted; and
- The Plan to be adopted by Full Council.

It is considered highly ambitious for the stages of work listed above to be undertaken in the 15 month period allowed for in the Local Development Scheme.

The most obvious benchmark is the recently adopted Cranbrook Plan. In that case, the Local Planning Authority submitted the Plan to the Secretary of State for Examination on 2<sup>nd</sup> August 2019. The Hearing Sessions, which were divided into two stages, commenced on 21<sup>st</sup> January 2020 and ended on 20<sup>th</sup> November 2020<sup>3</sup>. A further consultation concerning viability was undertaken in July and August 2021, with the Proposed Main Modifications published in January 2022. The Inspector's Report was published in August 2022, with the Development Plan Document being adopted on 14<sup>th</sup> September 2022. Consequently, it took over three years from the Submission of the Cranbrook Plan to its adoption. Even allowing for the delays resulting from the Covid-19 pandemic, the period from the Submission of the Plan took significantly longer than the timeframe that has been allowed by the Local Development Scheme.

Consequently, to ensure that the plan is ***consistent with national planning policy*** and is therefore a sound proposition, the Local Planning Authority must ensure that the plan period covers a 15 year period from the date of adoption. This is likely to require, for the reasons set out above, the plan period to be extended by a further year and most probably two years (i.e. to 2042). This would mean, that amongst other things, additional housing land would need to be identified.

These representations respond to the Draft LP in chronological order.

#### Draft LP Responses

#### **Chapter 2 – Vision and Objectives**

We support the Council's Vision and Objectives and the recognition that the Draft LP needs to meet the District's future housing needs. We agree that housing need is an integral part of an emerging Local Plan and should be a key focus for East Devon noting their historic issues with housing delivery in the District, which has contributed to a worsening affordability ratio and current lack of five year housing land supply.

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## **Chapter 3 – Spatial Strategy**

### ***Strategic Policy 1 – Spatial Strategy***

We agree with the overall spatial strategy and the recognition that the western part of East Devon is a sustainable location for new housing growth.

Land at Mosshayne Lane represents a part of western East Devon and is a sustainable location for new development, which would align with the Council's overall spatial strategy. The site is in close proximity to the extensive facilities and services available in Exeter, as well as other existing infrastructure in the vicinity of the site, including Pinhoe Railway Station (approximately 300m to the south west) and Exeter Science Park to the south. The proposed development could facilitate a connection over the railway line, providing a link to these facilities.

### ***Strategic Policy 2 – Housing Distribution***

We agree that land to the west of the district is a sustainable location to accommodate new homes, close to the services, facilities and job opportunities within and that benefit Exeter.

We are concerned, however, by the significant amount of growth proposed to be allocated to the new town during the Draft LP period. We consider that the spatial strategy overlooks the significant lead-in times and associated infrastructure associated with the delivery of large-scale housing developments that require significant upfront infrastructure and investment. As a result, as drafted the LP is not effective, as there is a significant risk that it over-relies on the expeditious delivery of a single new town within the plan period. This was a prior strategy that the council pursued with Cranbrook and as evidenced, viability, delay and infrastructure was of notable delay and consideration. Had it not been for notable public investment and proactivity (concession) by a variety of stakeholders, Cranbrook was a non-deliverable option. This proactively and investment is both not available in the present environment nor should it be applied.

The Draft LP anticipates the new town to accommodate approximately 2,500 dwellings within the Draft LP period and for housing delivery to commence within the new town by 2030, with the highest delivery to be circa. 300 dwellings per annum. An annual housing delivery rate of 300 dwellings is considered to be unrealistically high noting that production rates would usually be approximately 60 dwellings per annum per outlet on a large scheme. It is also unlikely that there will be 5 outlets within the new town at any one time during the Draft LP period noting present ownerships.

The Draft LP is also unlikely to be adopted until 2025. It is our view that a planning application for the new town is unlikely to be submitted until the Draft LP has been found sound by an examining Inspector and subsequently formally adopted.

In addition, prior to an application being submitted, due to the scale of the new town and its likely phasing, any future development is likely to need to be subject to an Environmental Impact Assessment (EIA), Screening and Scoping Opinion Request, all of which have associated timescales and lag times in their preparation and determination.

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Notwithstanding this, prior to the submission of any EIA Screening or Scoping Opinion Requests or the submission of an Outline planning application, it is likely that a development of this scale will need to be coordinated via a Development Plan Document, or similar, to ensure that the development is delivered in a coordinated manner. This appears to be the Council's intention noting that the new town strategy (Strategic Policy 8), states that "*developments shall be developed in a phased and co-ordinated manner*".

Any future DPD could not be adopted in advance of adoption of the Draft LP.

Noting the above, it is very unlikely that the new town can commence housing delivery by 2030 (optimistically) and this is likely to be much later within the Draft LP period. It is also accepted that even if viability and delay are resolved large new settlements take a period of time to mature in terms of delivery of volume. This maturity as was evidenced at Cranbrook normally take 2 to 3 years.

The council can cite Cranbrook delivery rates however this should be tempered with the grant funding provided by central government that paid for infrastructure and additional affordable housing that all contributed to additional delivery that boosted this rate.

This is supported by the other new community in Sherford Devon which was both delayed and affected by viability.

The Council's housing trajectory should therefore be amended and additional sites should be identified for allocation to ensure the consistent delivery of housing throughout the Draft LP period.

Land at Mosshayne Lane represents an accepted sustainable location for new development, which would align with the Council's spatial strategy and recognition that the western part of East Devon is a sustainable location for growth. The proposed development is being promoted by a national housebuilder who have the expertise required to ensure the successful delivery of this development. The allocation of Land at Mosshayne Lane would ensure the consistent delivery of homes throughout the Draft LP period.

### ***Strategic Policy 3 – Levels of Future Housing Development***

We agree with the Council's overall housing requirement, which appears to adopt East Devon's latest affordability ratio (published in March 2022). It is noteworthy that this affordability ratio has increased since previous years. Should the affordability ratio worsen during the progression of this emerging Draft LP, we would expect the Council's overall housing requirement to be recalculated accordingly.

We note that the Council's housing evidence base suggests that there is currently no unmet housing need in neighbouring authorities that needs to be accommodated within East Devon. It is noted, however, that neighbouring Torbay have stated that they will not be delivering their housing requirement in full (as per the standard methodology). It is also unclear whether Exeter and Mid Devon will be meeting their housing requirement in full. As such, it is likely that there will be an unmet housing need that will need to be addressed within East Devon's Draft LP period.

We are also concerned by the lack of over-provision of housing allocations within the Draft LP period.

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This policy suggests that the Council will be over-allocating housing developments, by allocating 10% beyond their housing requirement, to ensure the consistent delivery of housing and to provide flexibility within the District. Paragraph 3.17 of the Draft LP, however, suggests that the current over-supply within the Draft LP is 8%. We have significant concerns regarding the lack of housing allocations identified within the Draft LP and consider these to be insufficient to ensure the consistent delivery of homes throughout the Draft LP period, particularly noting the Council's spatial strategy, which seeks to allocate circa. 12% of their overall housing growth to the new town.

Noting the Council's spatial strategy, it is our view that the Council should seek to provide 15-20% over-supply of housing allocations to ensure the consistent delivery of homes throughout the Draft LP period, particularly as the Council have historic housing supply issues and do not currently have a five year housing land supply.

Land at Mosshayne Lane is a suitable location for development that should be allocated for development, which would contribute to ensuring the consistent delivery of homes throughout the Draft LP period. The site is also being promoted by a national housebuilder that have the experience and resource necessary to successfully deliver a sustainable high quality development in this sustainable location.

#### **Chapter 4 – Addressing housing needs and identifying sites for development**

Chapter 4 suggests that the site assessment work associated with the western edge of East Devon has not yet been finalised and states that the Draft LP Proposals Map only shows “*suggested*” site allocations within this part of the District.

It is understood that these “*suggested*” site allocations are based on the results of the Council's Housing and Employment Land Availability Assessment (HELAA).

Within the Draft LP proposals map, Land at Mosshayne Lane is not identified as a residential allocation, despite the site being able to accommodate a new community on the edge of Exeter that would accord with the Council's overall spatial strategy. It is our view that the site should be allocated.

It is noted that Land at Mosshayne Lane has been assessed within the Council's HELAA and identified as site Brcl\_16 (incorporating Brcl\_15 and Brcl\_05). We have set out our response to this assessment below.

#### ***Suitability for Housing***

We welcome the Council's commentary which acknowledges that the site is “*within 1,600 metres of 4 or more different local facilities and within 1,600 metres of a train station or bus route with an hourly or better service*” and overall that it is an acceptable distance from a sufficient range of services and facilities to support a new housing development.

We would add that the proposed masterplan includes the provision of land to accommodate a school, which would further contribute to the services and facilities on offer in proximity to the site.

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It is also welcomed that the Council acknowledge that the site is not located in any designated area of biodiversity interest. Whilst the site is located within the Exe Estuary and Pebblebed Heath mitigation zone, the site will accommodate significant amounts of public open space and can provide a financial contribution to offset any potential recreational pressures.

It is also supported that the Council recognise that the site has no landscape designation and, whilst the site may be visible from the M5, it should be assessed in the context of the surrounding development and the nearby built up boundary of Exeter.

The DCC Education comments suggest that additional capacity will be required for a new school on the site and the provision would depend on the level of development that is likely to be delivered. We do not disagree with this assessment and it should be noted that a school has been accommodated within the proposed masterplan, which will provide for the additional places likely to be generated through the delivery of the development.

The site assessment also includes comments from DCC Highways, which state that “*Langaton Lane is rather small to get access, would prefer access via other plots from Tithebarn Way*”.

The proposed masterplan submitted with these representations set out how suitable access can be achieved, which would accommodate the additional vehicular traffic likely to be generated from this development. The majority of the development would be accessed via a spine road from the B3181, with the smaller residential parcels in the south western part of the site accessed from Langaton Lane. It is therefore considered that any concerns from the highway authority can be suitable addressed and mitigated through an alternative access strategy.

### **Site Potential**

The site’s potential is summarised as follows:

*“Of the 65.5 ha site, no land is discounted due to either being in Flood risk Zone 3, or for safety reasons such as high voltage power lines or high pressure gas pipelines, or planning commitments. Thus the gross site area is approx. 65.5 ha. Housing: Based on the gross site area and after applying the gross to net conversion factor, the site has potential to deliver approx. 983 dwellings (mid-yield). However, constraints highlighted above, may significantly reduce this potential. The lower of the mid yield and the site promoter's yield would have the potential for 983 dwellings. Although assessed as available and suitable, the HELAA Panel concluded that the sites is Probably unachievable for development scale of approx. 1000 dwellings due to access difficulties on Langaton Lane and B3181; (although potentially achievable for a much smaller scheme) Therefore at this time, the net capacity of the site excluding overlaps is NIL dwellings. Employment: Site not submitted as available for employment-led uses. Therefore the net capacity of the site for employment land is NIL hectares.”*

We disagree with the above summary. It is noted that DCC Highways have raised concerns regarding access from Langaton Lane, however, as shown on the supporting masterplan, the main development access will be via the B3181 to the north of the site. From this access, a spine road will run through the development north to south onto Langaton Lane. It is intended that only the smaller

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parcels of residential development in the south western part of the site will utilise Langaton Lane by all modes of transport to access Exeter. DCC Highways did not raise any concerns regarding access from the B3181 and it is therefore unclear as to why this has been raised by the Panel. It is considered that any highways concerns can be suitably addressed through the evolution of a future masterplan.

**The proposed development of Land off Mosshayne Lane is therefore suitable, achievable and deliverable. The site should be allocated within the Draft LP to ensure the consistent delivery of dwellings throughout the Draft LP period.**

## **Chapter 5 – Future growth and development on the western side of East Devon**

### ***Strategic Policy 8 – Development of a second new town east of Exeter***

We do not object to the inclusion of a second new town east of Exeter, and agree and support the recognition that the western part of East Devon is a sustainable location for new housing growth.

We object to the significant amount of growth that is projected to be delivered within this new town during the Draft LP period. As set out within our response to Strategic Policy 2, it is our view that the new town would need to be subject to a Development Plan Document to ensure that the future development would be delivered in a coordinated manner. Indeed, this is also referenced within the policy text for Strategic Policy 8 which acknowledges that the development will be delivered in a “*phased and coordinated manner*”.

Such a document cannot be adopted until the Draft LP is formally adopted and, noting that the Draft LP is not intended to be adopted until 2025, even in the event that a DPD was prepared alongside the Draft LP, it is unlikely that housing delivery could commence within the new town by 2030 (optimistically).

**To this end, additional sites must be allocated to ensure the consistent delivery of housing throughout the Draft LP period.**

Land at Mosshayne Lane represents a suitable location for development, on the edge of Exeter which has been recognised as a sustainable location for new growth within the Council’s spatial strategy. The site is being promoted by a national housebuilder, who has the track record in successfully delivering large scale development. The proposed development would provide significant public benefits, including the delivery of a country park in accordance with the objectives of the Clyst Valley Regional Park, as well as land for educational use. The allocation of Land at Mosshayne Lane would also contribute to ensuring the consistent delivery of homes throughout the Draft LP period.

### ***Strategic Policy 16 – Green infrastructure and the Clyst Valley Regional Park***

We support Strategic Policy 16 and the allocation of Clyst Valley Regional Park, which we consider provides significant green infrastructure benefits for the wider community.

The northern extent of Land at Mosshayne Lane lies within the Clyst Valley Regional Park. As shown on the appended masterplan, the site will provide significant amounts of public open space, which

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will enhance linkages with the wider park and the Clyst Valley Regional Trail. This is considered to be a key benefit to the scheme and will contribute to achieving the objectives set out within this policy.

## **Chapter 7 – Tackling the climate emergency and responding to climate change**

### ***Strategic Policy 28 – Net Zero Carbon Development***

We do not dispute the need for the Draft LP to include a climate change policy and acknowledge the Council's declaration of a climate emergency.

We note, however, that the Council's evidence base for this policy is greater than 2 years old and we therefore query whether the additional requirements sought through this policy are supported by appropriate viability and a robust evidence base.

It should also be acknowledged that new development must align with the existing requirements of the Part L Building Regulations and will need to align with the Future Homes Standards, both of which include strict requirements in terms of carbon emissions within new developments. It is not considered necessary or justified to include additional policy requirements beyond those already required through Building Regulations.

### ***Strategic Policy 30 – Suitable areas for solar energy developments***

Strategic Policy 30 refers to suitable locations for solar energy developments across the District. It is understood that the identified locations for accommodating solar energy developments has been undertaken via the Low Carbon Study.

It is acknowledged that Land at Mosshayne Lane lies within an identified suitable area for accommodating solar energy development. It should be acknowledged, however, that such areas should not be prohibited from delivering other types of developments noting that Strategic Policy 30 only identifies which areas may be suitable and such locations will still need to be subject to an extensive assessment.

### ***Strategic Policy 33 – Heat Networks***

Strategic Policy 33 requires new developments to be in proximity to heat networks. The proposed development at Land at Mosshayne Lane is located within 1km from an existing heat network and will not exceed 1,200 homes and will therefore fall below the threshold of needing to provide a heat network as part of a new development.

### ***Strategic Policy 39 – Housing to address needs***

We agree that there is a need for new developments to meet housing to address local needs. We also consider that local market evidence represents suitable and appropriate evidence from which to determine local housing needs and it is welcomed that this is reflected within this policy wording.

We note that the policy also requests the need for serviced self-build and custom-build plots to be delivered on new housing sites. We do not agree that there is always a demand for such plots on site and consider that this policy requirement represents an unnecessary constraint to developers, particularly should there be a requirement to deliver serviced self-build and custom-build plots in

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locations where there is no demand. In order for this policy to be found sound, the policy text should be reworded to state that serviced self-build and custom-build plots will only be required to be delivered on new developments where there is a clear market demand for such provision.

## **Chapter 8 – Meeting housing needs for all**

### ***Policy 40 – Affordable Housing***

We do not dispute the increase in affordable housing requirement from 25% to 35%. Land at Mosshayne Lane will deliver this affordable housing requirement and will contribute to reducing the Council's overall affordable housing provision.

We do not agree with the inclusion of Table 1 or Criterion 4 within the policy wording, which prescribe the affordable housing tenure breakdown and mix of property sizes/types across the District. It is our view that this is overly prescriptive and does not allow for any level of flexibility during the Draft LP period. At present, it is not considered that the policy provides sufficient flexibility to the market and therefore fails to meet Paragraph 82d) of the NPPF (2021). To ensure that this policy is sound, Table 1 and Criterion 4 should be reworded to state that local market evidence and sales information can provide a useful guide to inform affordable housing provision and in such instances, developments may depart from the suggested breakdown provided within the policy text.

### ***Policy 41 – Housing to meet the needs of older people***

We do not dispute Policy 41 and recognise the ageing population within East Devon.

Land at Mosshayne Lane can deliver specialised housing to meet the needs of the ageing population should this be demonstrated to be supported by appropriate market evidence.

### ***Policy 42 – Accessible and Adaptable Housing***

We support the need for 100% of new dwellings to meet M4 (2) standards and note the policy requirement for 10% of all market dwellings to meet M4 (3) standards. We also welcome the Council's recognition that such provision will only be required where it is supported by site suitability and site viability.

### ***Policy 43 – Market housing mix***

We acknowledge the market housing mix set out within Policy 43 and support the inclusion of text which recognises that there may be instances where this can be departed from, including where there is more up to date evidence. This would appear to provide flexibility beyond the Draft LP period, in accordance with the NPPF (2021).

### ***Policy 44 – Self-Build and Custom Build Housing***

We do not agree that it is suitable to require all new developments to deliver self-build and custom-build plots. It should be acknowledged that self-build and custom-build customers have specific locational requirements, which may not be met across all new housing developments.

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New housing developments should only be required to deliver self-build and custom-build plots where there is a clear market demand for such plots on that specific development. We also dispute the marketing timescales set out within the policy text, which states that such plots must be marketed for a period of 24 months after being fully serviced, prior to being made available to the open market.

It is our view that this is an unrealistic timescale that is unhelpful to the development industry. A 24-month period is considered too long, which will result in unsustainable phasing and build-out for new developments. A 12-month period is considered to reflect a more appropriate timescale and the policy wording should be revised accordingly.

Self-build plots offer variety but also raise notable other concerning issues such as site wide Health and safety, sectional agreement compliance, build quality inconsistency and general development disruption.

## **Chapter 11 – Prioritising Sustainable travel and providing the transport and communications facilities we need**

### ***Strategic Policy 65 – Walking, cycling, and public transport***

Strategic Policy 65 relates to the 20-minute neighbourhood. We support this policy.

Land at Mosshayne Lane will deliver a sustainable new community, located on the edge of Exeter. The site is located approximately 300m to the south west of Pinhoe Rail Station and in proximity to Exeter Science Park, which can be accessed via Langaton Lane. The proposed development could also facilitate a connection over the railway line to the Science Park and other associated infrastructure to the south of the site. The site is also surrounded by Clyst Valley Regional Park, which provides opportunities for recreation. The site will therefore positively contribute to the 20-minute neighbourhood concept.

### ***Policy 68 – Parking Standards***

Whilst we do not dispute the need for a parking standard policy with the Draft LP, noting that East Devon's parking standards are set out on a local level. We consider that the policy text could be clarified by providing a breakdown of parking provision per dwellings to remove ambiguity and provide a greater amount of clarity to the policy reader.

### ***Policy 71 – Aerodrome Safeguarded Areas and Public Safety Zones***

We do not dispute to Policy 71 and recognise the importance of including an aerodrome safeguarding area in proximity to the airport.

It is acknowledged that Land at Mosshayne Lane lies within an aerodrome safeguarded area, however, as the proposed development would be predominantly residential development, it is not considered to prejudice the safe operation of protected aerodromes or give rise to public safety concerns and therefore would accord with Policy 71.

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## **Chapter 12 – Caring for our outstanding landscapes**

### ***Policy 77 – Areas of Strategic Visual Importance***

We acknowledge the need to protect important views, however, we object to the policy wording which fails to recognise that changes to views may not always result in a negative or adverse impact on that view. Changes to views may be beneficial and the impact of development on the visual importance of the surrounding context should be assessed on a case by case basis. The policy wording should be revised accordingly.

### ***Policy 78 – Green Wedges***

We do not object to Policy 78 and acknowledge the importance of green wedges to protect urban sprawl and maintain a sense of place for settlements.

It is noted that the northern part of the site lies within an identified Green Wedge. The proposed masterplan submitted with this application illustrates that the north eastern part of the site will be retained as open space and will accommodate a country park and will be kept free from development, in accordance with this policy.

This will offer opportunities for informal recreation and access to public open space and the country park associated with Clyst Valley Regional Park.

### ***Policy 82- Control of Pollution***

We do not dispute to the principle of Policy 82, however, it should be acknowledged that new development should be self-sustaining and should not be required to correct existing pollution issues. The policy wording should be revised accordingly.

### ***Policy 83 – Development on High Quality Agricultural Land***

We not dispute that there is a need to protect high quality land, which would appear to align with the NPPF (2021; Paragraph 174).

The policy suggests that development will only be permitted on the best and most versatile land where land of a lower grade is unavailable. It does not confirm, however, the way in which the assessment should be undertaken to ensure that development retains the best and most versatile land, which leaves the policy ambiguous to the reader.

## **Chapter 13 – Protecting and enhancing our outstanding biodiversity and geodiversity**

### ***Policy 87 – Biodiversity Net Gain***

We object to the requirement that all new development must provide a biodiversity net gain of 20% and do not consider that this figure has been appropriately viability tested.

The evidence base which informs this policy is greater than 2 years old and therefore is not considered to represent a robust evidence base from which to inform this policy. Notwithstanding this, most strangely it is noted in the supporting text that the policy is relying on the evidence base of another District, which has not yet been through examination (Swale Borough Council). This is not

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considered to represent a robust viability assessment as required by Paragraph 58 of the NPPF (2021).

At present, we do not consider this policy to be justified or sound.

Importantly we support and endorse the delivery of Biodiversity Net Gain and have made commitments to deliver 10% on all new applications from January 2023. We feel 10% is a sensible amount but would support a quantum that is appropriately evidence based.

### ***Policy 92 – Tree policy***

Policy 92 suggests that it will be further reworded on receipt of the Devon Tree Strategy. As currently worded, we do not consider that this policy can be adopted until the Devon Tree Strategy is published. On receipt of the Devon Tree Strategy, this policy will need to be subject to further consultation and engagement in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012.

## **Chapter 14 – Open space and sports and recreation facilities**

### ***Strategic Policy 96 – Access to open space and recreation facilities***

We fully support Strategic Policy 96 and the need for new development to have appropriate access to open space and sports facilities.

Land at Mosshayne Lane is located on the edge of Clyst Valley Regional Park and will benefit from access to the open space via the Clyst Valley Trail. The site and proposed development is therefore considered to accord with this policy.

### ***Policy 97 – Land and buildings for sport, recreation and open space areas in association with development***

We agree with Policy 97 and note that it aligns with existing policy within the adopted Local Plan for East Devon. Land at Mosshayne Lane will include a landscape-led development, which will provide a variety of open spaces in accordance with this policy, whilst also reflecting the existing open space provision on offer.

It is supported that the policy acknowledges that existing provision in the vicinity of sites will be taken into consideration when assessing the open space provision that is required.

## **Summary**

Land at Mosshayne Lane offers an opportunity to deliver a residential-led development on the edge of Exeter, which will accord with the Council's spatial strategy. The site is being promoted by a national housebuilder who has the resource and expertise to deliver this development in full.

The proposed development will accommodate approximately 1,000 dwellings, land for educational use and extensive areas of public open space (including a country park), which will collectively represent a sustainable community that will benefit future and existing residents within the western part of East Devon.

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The future allocation of Land at Mosshayne Lane will ensure that East Devon has a consistent delivery of dwellings throughout the Draft LP period, particularly in the event that the proposed new town fails to deliver at the rate that is anticipated through the Council's proposed housing trajectory. Accordingly, given the strategic development proposed within the Regulation 18 version of the Plan, there will be a clear role for non-strategic sites to ensure a continuity in housing supply, particularly in the early years of the Plan.

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