

East Devon District Council  
East Devon Local Plan 2020-2042 – Regulation 19  
Publication Draft Consultation

[sent via email]

Date: 28/03/2025

Letter ref: CP/00805

Dear Sir/Madam

**East Devon Local Plan 2020-2042 – Regulation 19 Publication Draft  
Representations on behalf of Eagle Investments (SW) Ltd regarding land to the  
west of Hulham Road, Exmouth (Exmo\_47)**

We write on behalf of Eagle Investments (SW) Ltd to make representations on the Local Plan Regulation 19 Publication Draft consultation with reference to land which it owns to the west of Hulham Road, Exmouth. Eagle Investments (SW) Ltd has submitted duly made representations in respect of previous iterations of the draft plan and welcomes the opportunity to comment further at this Regulation 19 Publication draft stage.

At this stage in the plan-making process it is particularly important for any representations to be framed around the requirements of national policy. The National Planning Policy Framework (NPPF) requires that local planning authorities should submit a plan for examination which is considered to be “sound” – namely that it is:

- *Positively prepared* – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs;
- *Justified* – an appropriate strategy, taking account the reasonable alternatives and based on proportionate evidence;
- *Effective* - deliverable over the plan period; and

- *Consistent with national policy* – enabling the delivery of sustainable development in accordance with the policies in the NPPF.

It is with these requirements in mind that these representations have been prepared.

### Plan period

It is unclear why it is proposed for the plan period to start from 2020, some five years ago now, when the plan is not expected to become an adopted one until 2026 at the earliest. That would not seem to be *Justified* taking account of the reasonable alternatives. It would seem far more logical and straightforward for the proposed plan period to commence in 2025.

### Strategic Policy SP01: Spatial strategy

We generally support the spatial strategy set out within draft Strategic Policy SP01. We support the identification of Exmouth as the Principal Centre outside of the West End part of the district and its elevation, in comparison with the current Local Plan, above the other towns within the settlement hierarchy. This recognises that Exmouth is comfortably the largest town in East Devon and provides the greatest number and range of services and facilities. It is appropriate and entirely justified therefore that the plan identifies Exmouth as a higher tier settlement than the other towns.

However, at only approx. 11% of the overall housing requirement, the apportionment to Exmouth would appear to, if anything, be lower than might be expected or appropriate to be directed to the largest and highest tier settlement within the district.

### Strategic Policy SP02: Levels of future housing development

We recognise that the Council has sought to take advantage of the provisions of paragraph 234 (a) of the revised NPPF and has therefore proposed to plan for only 80% of the local housing need for East Devon now identified under the standard method, published on 12 December 2024. This has two significant implications which needs to be borne in mind now at the plan making stage.

Firstly, it means that the plan will require a very significant update within five years of adoption in order to otherwise bring it in line with the revised NPPF. There is nothing in the draft plan, including in *Chapter 17, Implementation and Monitoring* to indicate the need for this or when and

how it will be undertaken. This is a key omission requiring modifications in order to make the plan sound in respect of all of the tests identified above.

Secondly, having regard to paragraph 78 (c) of the NPPF it means that almost from adoption of the plan, the Council will need to effectively demonstrate a six year housing land supply for the purposes of decision making. This does raise important questions as to how *Positively Prepared* the draft plan is and how *Effective* it will be over the plan period.

#### Strategic Policy SD01: Exmouth and its development allocations

We support the proposed allocation of site Exmo\_47 within Strategic Policy SD01: Exmouth and its development allocations for around 15 dwellings.

We agree with the policy wording which requires that built development should be accommodated in the southerly parts of the site only and will need to be sensitively designed to avoid adverse impacts on the setting of the Point-in-view Registered Park or Garden to the north and west of the site boundaries.

The southern and central part of the site is eminently suitable for a small housing development with the northern part providing an opportunity for landscaping to create a visual buffer to the Historic Park and Garden. This is fully explained within the heritage report prepared by Pegasus which is enclosed with this letter.

A mix and range of sites sizes and types in different areas and suitable for a range of different types of housebuilders, and developers, will be required to help achieve a rolling supply of housing, as is encouraged within the NPPF. The NPPF states that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. The site is within a sustainable location adjacent to the existing settlement boundary of Exmouth and of a size that would mean it could be developed quickly and would be capable of forming part of the Council's five-year housing supply. This site will assist the council in making appropriate provision for small sites.

We also support the inclusion of the site within the proposed Settlement Boundary and its exclusion from the Green Wedge on the proposed policies map, which reflects its identification as a proposed allocation.

Eagle Investments (SW) Ltd have been working with a local SME housebuilder and have undertaken technical and planning preparatory work which has confirmed the deliverability of the site for housing. A plan illustrating how the site could be accessed is enclosed with this letter.

#### Strategic Policy CC02: Net-zero carbon development

While the objective of seeking to achieve carbon neutrality is fully supported, it is important that the Council identifies and establishes the potential impacts of any proposed policy measures on the deliverability of development. We recommend that the Council produces evidence that can be consulted on which seeks to test the impacts of such a policy on the viability of development. This would help to inform a decision on when such requirements should come into force and what other measures (e.g. reduction in CIL) might need to be considered in order to help the development industry to achieve such policy goals without impacting negatively on the deliverability of projects. Any measures required by the Local Plan should be consistent with national policy on this matter and the Government's Future Homes Standard.

#### Strategic Policy HN02: Affordable housing

30% affordable housing is sought from this policy on allocated sites outside of the West End and Axminster. The evidence for this appears to be the Three Dragons Viability Assessment of January 2025. However, we note that the Three Dragons report advises,

*“The Council has indicated that it plans to undertake a review of the CIL rates after the Local Plan process, and this will provide the opportunity for lower CIL rates to be set for the strategic site in this plan if required”.*

We consider that this should be specified in the Plan.

The NPPF's requirement for development viability to now be addressed at the plan-making stage means that it is vital that the Council's evidence under-pinning the Plan is comprehensive and robust. The Council will need to be satisfied that its evidence has considered and assessed a comprehensive range of development and site types and sizes and in different locations in order that the policy measures that arise from it take into account the full suite of different scenarios

that might apply. It is unclear at this stage to what extent the preparation of the Three Dragons report involved engagement with a broad range of interests from within the development industry.

It is important that an appropriate balance is struck between seeking to meet the delivery of affordable housing, infrastructure requirements and sustainability/design objectives.

Development has to be deliverable and policy requirements therefore need to be realistic in terms of what can be achieved. We are not yet convinced that the evidence underpinning this policy is sufficiently robust.

#### Policy HN05: Self-build and custom build housing

The identification of specific land for self-build plots would be more appropriate than including a requirement for housing developments to include such plots. A policy allowing such housing as an exception to normal policies should also be considered, as was adopted in the Sedgemoor Local Plan (adopted 2019), for example.

#### Policy DS02: Housing density and efficient use of land

This draft policy requires that proposals for major development schemes and those in environmentally or heritage sensitive locations will be required to be supported by a design code agreed with or produced by the Council specifying density recommendations for key allocations. This is an excessive obligation for a site of this scale, particularly where a full planning application is forthcoming. Clarification is required in respect of which allocated sites this is intended to apply to and what process it is anticipated would be required to be followed. It is recommended that this approach is only applied to very large sites.

We trust these comments are of assistance and we look forward to being kept informed as the Plan progresses to examination so that we can be given the opportunity to participate in the hearings.

Yours faithfully

**SIMON COLLIER**

Director