

Regulation 19 Representations to East Devon Local Plan

On Behalf of Stuart Partners Ltd

McMurdo Reference 18001/2 20009 21016 24001

Strategic Land at the “West End” of East Devon
District

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1. Introduction

1. On behalf of our client, Stuart Partners Ltd, we submit representations in relation to the East Devon District Council (EDDC)'s Regulation 19 Publication Draft Local Plan 2020 - 2042.
2. Stuart Partners Ltd owns and controls in excess of 1,000 acres of strategic development land (including land making up a significant part of the new community as proposed for up to 10,000 houses and an expanded Hill Barton Business Park; land making up a significant part of a proposed village between Clyst St George and Clyst St Mary to supplement the new community for up to 2,000 houses; land on which there is a live application for 165 houses as a Phase 3 of the Pinhoe urban extension and the strategically important Hill Barton Business Park) in the "West End" of East Devon. (Please see Appendices 1 – 4).
3. It is a local company with a diverse business portfolio based around agriculture, land, renewable energy, residential development land and employment land all contributing considerably in excess of 1,000 jobs and £100 Million Gross Value Added (GVA) into the East Devon and sub regional economies.
4. Though the land parcels are in East Devon, they are also relevant to Exeter's Local Plan making too (representations have been made to the Exeter City Council (ECC)'s Regulation 19 Plan).(Representations have been made to all emerging EDDC and ECC plans consultations since 2021).
5. Whilst there are many elements of the plan that our client fully supports, in this response we raise key themes that require attention by EDDC (and ECC) as part of the due process regarding appropriate consultation of the plan, its policies, and proposed allocations.
6. It is clearly in the interests of everyone that both EDDC and ECC adopt "sound" plans as soon as possible and our client will support the Councils in their aims. However, the plan is not "sound" as it stands.

7. These representations should be read together with representations made by Turley on behalf of our client and Bloor Homes Exeter on the proposed new community for up to 10,000 houses and an expanded Hill Barton Business Park and by Carney Sweeney on behalf of our client and Down, on land making up a significant part of a proposed village between Clyst St George and Clyst St Mary to supplement the new community for up to 2,000 houses,.

2. Setting the Scene to the Policy Making and the Duty to Cooperate (DTC)

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

1. Neither EDDC nor neighbouring ECC have a robust 5-years housing land supply (5YHLS):

- EDDC's housing land supply position is confirmed (by the Council) at only 2.97 years.
- ECC's, housing land supply is confirmed (by the Council) at 4 years and 10 months.¹

2. If these Local Plans are to be found "sound" at examination then the Councils will have to robustly demonstrate a 5 YHLS.

Employment Land Supply

3. Concerning employment land supply in East Devon (and the subregion) Appeal Reference APP/U1105/W/23/3323252 on land at Hill Barton Business Park in East Devon district, is relevant. From Paragraph 29 the Inspector states:

"29. It is common ground between the parties that there is a lack of supply of available employment land at present. The draft Framework indicates support for key industries, including freight and logistics...."

30. Consequently, I need to consider the weight to be attached to that lack of supply of available employment land, weight to be attached to policies of the emerging Local Plan and draft Framework, and the need for this development."

¹ This figure is not robust and arguably substantially less than published. In any case, ECC's adopted Core Strategy set a housing target of at least 12,000 dwellings between 2006 and 2026, equivalent to 600 homes per annum. By March 2024, 8,689 homes had been delivered, equivalent to 483 homes per annum and representing a shortfall of 2,111 homes up to 2024. The headroom figure provided within the Exeter Plan (even if achieved in full) does not account for this shortfall

Supply of employment land

31. The East Devon Local Economic Review published by the Council in October 2023 summarises the most up to date position in relation to the need for employment land. This indicates current demand (2022) for over 50ha of employment space, of which around 80% relates to the logistics sector, that would include the businesses occupying the appeal site. However, currently available space comprises only 1.7ha, of which over 70% is office space, i.e. unlikely to be suitable for the logistics sector.

32. Over the period 2019-2040 demand for employment space in East Devon is expected to be nearly 130ha, of which over 123ha would be for industrial and logistics space. Current and future supply over that period is anticipated to be approximately 87ha. That indicates a remaining shortfall at the end of that period of approximately 43ha.

33. Logistics businesses, such as those using the appeal site, need locations with good access to the road network. In this part of Devon, this means demand is focussed on Exeter and around the M5. Hill Barton Business Park is well located within that area, with good access to the M5. However, only the west part of East Devon is located within that market area, with potential sites for development to meet the needs of logistics operators being both within and outside East Devon. The Council accept that more land needs to be found for these operators.

34. In conclusion, there is a demonstrable and significant shortfall in the provision of employment land in the area around Hill Barton Business Park, particularly for logistics operators. This must carry significant weight in the planning balance.”

4. ECC in this context, in its Regulation 19 Plan, proposes 85% of its housing delivery on brownfield land, a substantial proportion of which is existing high

value employment land (when ECC accepts it needs to provide 80ha of employment land in the Plan period).²

5. In short, the sub region is facing a housing (and an affordable housing) crisis and an employment land supply crisis and plan making has been, and still is being, woefully inadequate and well behind the curve.

Duty to Cooperate

6. 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.
7. The NPPF sets out under paragraphs 24-28 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.

² The viability of the Regulation 19 Draft Exeter Plan (and its proposed allocations) is highly questionable. The Plan's Viability Assessment (VA) (para.6.8) caveats that "there is little detail available on site costs or funding mechanisms for the allocation specific policies" and that "the approach taken within the viability assessment is to separately test the likely forms of development and tenures and consider the viability headroom available to meet any site specific cost implications".

In light of this caveat, the accuracy and reliability of the findings of the VA with regard to brownfield allocations is questionable. Further, the VA assumes lower values than existing use values, i.e. the viability assumes brownfield land values, not existing high value employment use values, resulting in unrealistic outcomes when determining the viability of the Exeter Plan. In light of this, the accuracy and reliability of the findings of the VA with regard to brownfield allocations is highly questionable. The VA does not demonstrate that a viable plan led approach exists or will soon exist to secure the housing numbers required in Exeter.

8. EDDC has a duty to cooperate with neighbouring authorities. Moreover, its Local Plan must align with the requirements of the NPPF and synchronise with ECC'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 employment land needs on land in its (their) jurisdiction.
9. At present, the Council is proposing a 22-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 22 years without significant harm to the climate or the environment.
10. Encapsulated, EDDC'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 (like ECC) and whether other neighbouring authorities (like ECC) can meet their development needs. We do not believe that the Local Plan can be found "sound," in such circumstances, unfortunately.
11. The neighbouring authority, ECC, has also taken the position that it can meet all of its development needs on land in its jurisdiction without reliance on other Councils but quite simply its "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.
12. 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.
13. EDDC is failing in its Duty to Cooperate (as is ECC), 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 is in EDDC, or ECC).

14. The Plan should be redrafted via constant dialogue with adjoining Councils and key stakeholders including key landowners, such as our client.

3. Vision and Objectives of the Plan

1. The “vision” includes:

“By 2042 and beyond East Devon will be a diverse, inclusive, and thriving place to live and work and a pleasure to visit and enjoy...

The western side of East Devon will remain a focal point for growth with....

Rural East Devon will retain its outstanding charm and character with modest and sensitively planned development to meet the needs of local communities....

Our beautiful and diverse countryside, National Landscapes, world class Jurassic coast, nature reserves and built heritage assets will be protected and enhanced”

2. The Objectives include:

“Meeting future housing needs Objective 3 To provide high quality new homes to meet people’s needs...

Supporting jobs and the economy Objective 4 To support business investment and job creation opportunities within East Devon and support a resilient economy....

Our outstanding natural environment Objective 8 To protect and enhance our outstanding natural environment and support an increase in biodiversity.”

3. In response, our client believes that the Council, in line with its vision, objectives and sustainability appraisal work, evidenced housing and employment land need, and market forces, should continue to encourage development away from National Landscapes afforded the highest level of

national planning policy protection within EDDC (e.g., World Heritage Sites; 2/3 of the district is covered by National Landscape designation).

4. 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 “West End” of East Devon (which is where all of 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.
5. The under supply of housing and employment land in the current plan period needs to be correctly addressed by the Council and the shortfall should be rectified within the emerging Local Plan.
6. The Council should positively engage with ECC and accommodate the development needs of the City which cannot be met there, in the area closest to the City free from strategic development constraints (i.e. in the “West End”).
7. Instead, against the vision, objectives and sustainability appraisal work, evidenced sub regional housing and employment land needs, and market forces, the Plan proposes C50% of its housing and employment land needs in national landscape areas and a significant majority of its “West End” housing and employment land as part of a future Part B plan making process, and does not even attempt to deal with Exeter’s unmet need.
8. This is neither sustainable nor “sound” plan making.

4. Strategic Policy SP01: Spatial strategy

Object

Reasons

Figure 1 from the Local Plan below refers.

As the plan stands, against the vision, objectives and sustainability appraisal work, evidenced sub regional housing and employment land needs, and market forces, it proposes C50% of its housing and employment land needs in national landscapes and a significant majority of its “West End” housing and employment land as part of a future second stage plan making process, and does not even attempt to deal with Exeter’s unmet need.

The Council, in line with its vision, objectives, sustainability appraisal work, evidenced housing and employment land need, should continue to encourage development away from national landscapes afforded the highest level of national planning policy direction within EDDC.

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 “West End” of East Devon (which is where all of 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.

However, the under supply of housing and employment land in the current plan period in EDDC, and ECC, (i.e. in the subregion) needs to be correctly addressed by the Council and the shortfall rectified within the emerging Local Plan by positively engaging with ECC, accommodating the development needs of the City which cannot be met there, in the “West End” of East Devon.

Suggested Amendments Required

Remove significant levels of housing and employment land allocations from national landscapes (which are not market facing in any case) and

Reallocate the deleted allocation numbers from national landscapes to the “West End” of East Devon and

Allocate additional housing and employment land away from national landscapes to meet Exeter’s unmet needs, on the area free from development constraints, the “West End” of the district.

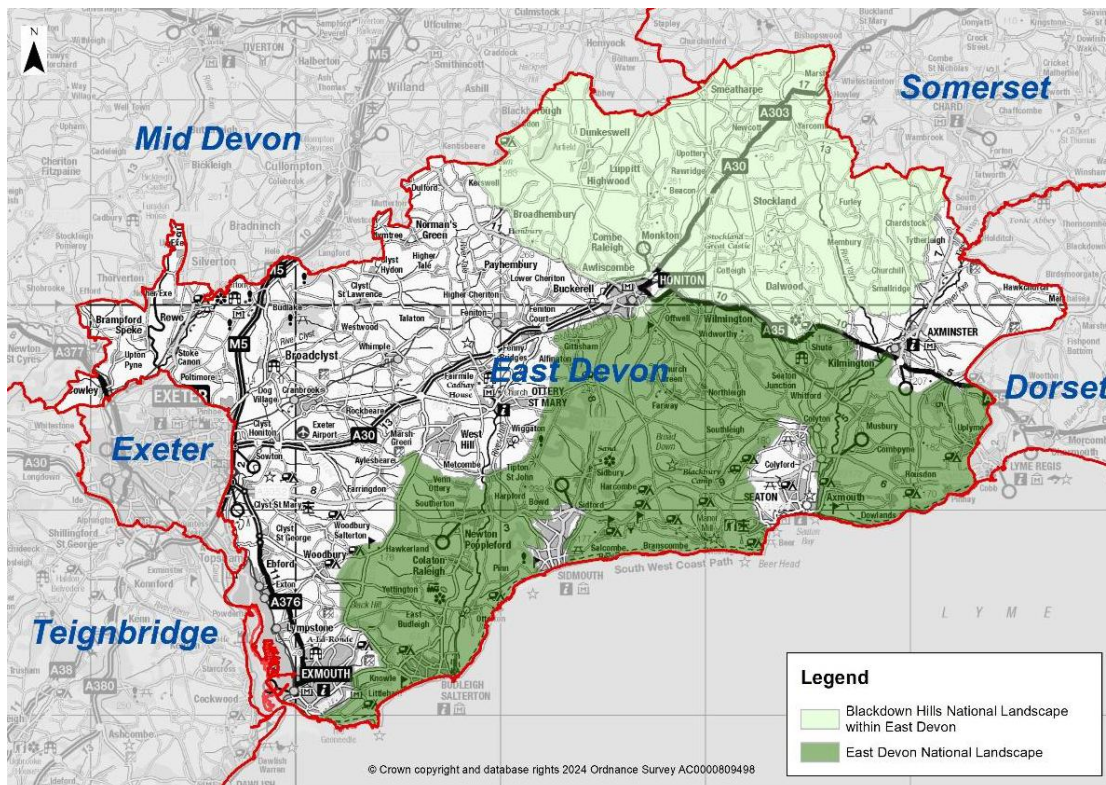


Figure 1 East Devon District and neighbouring authorities

5. Strategic Policy SP02: Levels of future housing development

Object

Reasons

Neither East Devon District Council (EDDC) (2.97 years) nor neighbouring Exeter City Council (ECC) (4.10 years) have a robust 5-years housing land supply (5YHLS), and Exeter is more than 2000 houses behind an “at least” 12,000 houses figure in the current plan period.

The under supply of housing in the sub region in the current plan period (s) needs to be correctly addressed and the shortfall should be rectified within the emerging Local Plan.

The Council should positively engage with ECC and accommodate the housing land needs of the City which cannot be met there.

Instead, against the vision, objectives and sustainability appraisal work, evidenced sub regional housing and employment land needs, and market forces, the Plan proposes C50% of its housing and employment land needs in national landscapes and a significant majority of its “West End” housing and employment land as part of a future second phase of plan making, and does not even attempt to deal with Exeter’s unmet need.

Suggested Amendments Required

Remove housing land allocations from national landscape areas (which are not market facing in any case) and

Allocate more housing land away from national landscapes and to meet EDDC’s and ECC’s unmet needs, on the area free from development constraints, the “West End” of the district.

6. Strategic Policy SP04: Employment provision and distribution strategy

Object

Reasons

Allocating C 50% of employment land in national landscapes is at odds with the NPPF and the vision, objectives, and sustainability appraisal work, evidenced sub regional housing and employment land needs, and market forces, especially when other far better, more sustainable and market facing, alternatives (Like Hill Barton and Greendale Barton) exist in the “West End” of the district.

Concerning employment land supply in East Devon (and the subregion) Appeal Reference APP/U1105/W/23/3323252 on land at Hill Barton Business Park in East Devon is relevant. From Paragraph 29 the Inspector states:

“29. It is common ground between the parties that there is a lack of supply of available employment land at present. The draft Framework indicates support for key industries, including freight and logistics....

30. Consequently, I need to consider the weight to be attached to that lack of supply of available employment land, weight to be attached to policies of the emerging Local Plan and draft Framework, and the need for this development.

Supply of employment land

31. The East Devon Local Economic Review published by the Council in October 2023 summarises the most up to date position in relation to the need for employment land. This indicates current demand (2022) for over 50ha of employment space, of which around 80% relates to the logistics sector, that would include the businesses occupying the appeal site. However, currently available space comprises only 1.7ha, of which over 70% is office space, i.e. unlikely to be suitable for the logistics sector.

32. Over the period 2019-2040 demand for employment space in East Devon is expected to be nearly 130ha, of which over 123ha would be for industrial and logistics space. Current and future supply over that period is anticipated to be

approximately 87ha. That indicates a remaining shortfall at the end of that period of approximately 43ha.

33. Logistics businesses, such as those using the appeal site, need locations with good access to the road network. In this part of Devon, this means demand is focussed on Exeter and around the M5. Hill Barton Business Park is well located within that area, with good access to the M5. However, only the west part of East Devon is located within that market area, with potential sites for development to meet the needs of logistics operators being both within and outside East Devon. The Council accept that more land needs to be found for these operators.

34. In conclusion, there is a demonstrable and significant shortfall in the provision of employment land in the area around Hill Barton Business Park, particularly for logistics operators. This must carry significant weight in the planning balance.”

ECC, in this this context, in its Regulation 19 Publication Plan, proposes 85% of its housing delivery on brownfield land, a substantial proportion of which is existing high value employment land (when ECC accepts it needs to provide 80ha of employment land in the Plan period).

The under supply of employment land in the current plan period in EDDC and ECC (i.e. in the subregion) needs to be correctly addressed by the Council and the shortfall rectified within the emerging Local Plan by positively engaging with ECC, accommodating the development needs of the City which cannot be met there, in the “West End” of East Devon.

Suggested Amendments Required

Remove non-strategic (i.e. small sites) from employment land allocations (many of which are not proven to be deliverable in any case and

Remove employment land allocations from national landscapes (which are not market facing in any case) and

Allocate more employment land away from national landscapes and to meet EDDC’s, and ECC’s unmet, needs, on the area free from development constraints, the “West End” of the district, including expanding Hill Barton early in the plan period

to meet clearly evidenced pent up demand in the logistics, waste, and energy sectors.³

³ We will present detailed expert evidence on these matters as the plan progresses to EiP

7. Strategic Policy SP06: Development beyond Settlement Boundaries

Object

Reasons

This policy seems to suggest that if lower tier “made” neighbourhood plans forbid development then that is the end of the matter, at odds with the NPPF (and other Strategic Policies as proposed in this Local Plan and in ECC’s Plan).

But land not currently earmarked for development in neighbourhood plans may well be required in the plan to meet the district’s housing and employment land needs in addition to the unmet needs of Exeter.

Suggested Amendments Required

Amend the policy to be flexible to ensure adequate housing and employment land is delivered and to comply with the NPPF

8. Strategic Policy WS01: Development of a second new community east of Exeter

Object

Reasons

We endorse Turleys views on this as detailed in its representations made on behalf of our client and Bloor Homes (Exeter), in partnership (but please note what we say on Hill Barton above).

*“Strategic Policy WS01: Development of a second new community east of Exeter
[Support/Comments/Object]”*

2.14 Proposals to identify, allocate and develop a second new community within East Devon, as proposed by the plan and specifically Policy WS01, are strongly supported. As stated elsewhere and previously, there is very strong evidence to support the merits of providing for strategic scale development in the relatively unconstrained and strategically well located ‘West End’ of East Devon, to the East of the City of Exeter, and in close proximity to other regionally significant infrastructure and areas for growth. Making this provision within the plan represents a very positive and pro-active approach by the Council as the new community will be a long-term strategic development, which will need to be delivered over multiple plan periods. Notwithstanding this there is a need for a clear focus on how and when development will be brought forward and the mechanisms and approach to allow for this, given that it is essential for housing, employment land (and supporting infrastructure and other uses) to be realised (as expected by the Council) during the plan period to 2042.

2.15 It is understood that the Council are progressing further master planning for the new community together with associated work on phasing, infrastructure provision, viability, and delivery, with additional detail and further evidence to be part of a future further consultation later in 2025. In respect of many of these aspects and Policy WS01 overall, this further detail and evidence will be fundamental and so Bloor Homes and Stuart Partners look further to contributing to the ongoing preparation of this further detail and evidence. At this stage we have commented on what are considered to be key aspects of Policy WS01 (as drafted) in the

expectation that this policy will be further developed and refined for the further consultation to take place.

Masterplan and Phasing

2.16 Policy WS01 states that “Development will need to occur and proceed on the basis of an agreed whole new community masterplan and on an agreed phased basis.” We are aware that the Council is progressing work on a masterplan for the new community development (via a consultant team led by CBRE) and we have attended workshops held as part of this work and provided feedback as part of these sessions and the other consultation opportunities that have been provided. It is expected that this masterplan will provide important evidence to support the allocation being made in the plan and so it is important that it is progressed and made available as part of the further/future consultation to take place.

2.17 As drafted the plan does not help to specify or clarify the intended status of this masterplan, and how it will (or may) be used to provide the “whole new community masterplan” required by Policy WS01. Clarity around this point is essential as it feeds into many other aspects of the policy, including phasing and infrastructure delivery, and assumptions for delivery of homes during the plan period (with completions taking place from 2029).

2.18 Clarity on this masterplan and the alignment with the allocation area (boundary) being proposed by the plan is also important to ensure clarity around the quantum of development being allowed for in the plan period (and beyond) and interface with other policies (such as Policy WS09 relating to the Clyst Valley Regional Park and its proposed extension).

2.19 Alongside the masterplan, and on the same basis – how and when the required allocation wide Phasing Strategy will be available is fundamental for the clarity, effectiveness, and success of the policy. If the policy intends for an allocation wide Phasing Strategy to be prepared and approved, as part of Policy WS01, or (alternatively) by the Council subsequently, then this should be very clearly set out. This would confirm and clarify where and when the Council expects delivery to take place from the new community development (both homes, new employment land and other uses), given the context of the allocation providing for a substantial

quantum of land, but with only part of this expected to come forward during the plan period. We would expect the Phasing Strategy and the plan to provide additional clarity about where and when in the wider allocation area, the Council expects early delivery to occur, with obvious options for this being on land controlled by Bloor Homes to the South of the A30, and around Hill Barton Business Park to the South of the allocation, adjacent to the A3052.

2.20 We look forward to further clarity on this element being provided as part of any refinement to Policy WS01 in due course and the additional evidence to be published to support this policy.

Infrastructure Delivery Strategy

2.21 Linked to the masterplan and phasing matters discussed above the requirement of the Policy for an (allocation wide) Infrastructure Delivery Strategy requires further clarification in respect of when and how this will be devised and published and how it has informed the final iteration of the new community policy, and how it will inform the planning applications that will be required early in the plan period in order to meet the proposed development trajectory (completions from 2029). The detail of the Council's Infrastructure Delivery Plan and the Infrastructure Delivery Strategy specifically for the new community are core elements of this policy and require further clarity in terms of the timing and detail to be provided, and how this has informed viability assessment (including in respect of the final affordable housing policy to be set by Policy HN02).

Delivery Model

2.22 At previous stages of the plan and as part of the ongoing preparation of the supporting evidence, it is understood that the Council has been considering the most appropriate future delivery model for the new community and how development is to be effectively delivered to meet the requirements set by the plan.

2.23 As drafted Policy WS01 does not specify anything other than a traditional model of delivery for the new community development, and this would be strongly supported as the most effective and appropriate way for this new community to take place.

2.24 *There are a number of key parties (and owners) involved in the promotion of the new community development, and there will be (via the provisions suggested as part of the emerging policy) appropriate mechanisms for collaboration and co-ordination, without the need for the creation (for example) of a New Town Development Corporation, where such provision is highly unlikely to be able to make provision for development in the timescales anticipated by the plan (and required to meet the urgent need for new housing and other development in the plan area). Collaboration and co-ordination are already taking place between the main promoters/developers/owners within the allocation area with work having been jointly commissioned to look in further detail at the engineering associated with the main roads and routes through the proposed allocation area. This work is due to be shared with the Council at future meetings and we expect will be useful in order to help develop the detail and evidence required to robustly support the component parts of the allocation.*

2.25 *It is noted that the Council (or other government or public sector bodies) may consider the use of compulsory purchase powers in order to progress delivery of infrastructure. Whilst the option may need to be kept open for the Council, it is not considered that this will be necessary for most (or all) of the new community development, where a traditional model of delivery can be effectively used (guided by the documents suggested in Policy WS01) and where there may be potential for land to be made available to the Council (or other bodies) in order that the Council (or other bodies) take control over the delivery of parts of the scheme, such as schools, other community infrastructure, or the town/district centres as a whole. Further detail and evidence around these elements should be provided as part of the ongoing work on the masterplan, phasing, and infrastructure delivery plans for the new community and the next iteration of the policy and supporting evidence base.*

Development Quantum's and Density

2.26 *Linked to above issues and detail around masterplan and phasing plans, is a requirement for additional clarity on the quantum of land needed and to be provided for housing, employment, town centres, BNG and SANG, all of which are essential for the overall soundness of the allocation policy and for clarity around the timing and location for delivery in the plan period. These issues will (as has already been*

discussed with the Council and their consultant team) overlap with other policies, such as the proposed Policy PB05 requirement for a minimum of 20% BNG, where this has the potential to significant impact on the quantum of green infrastructure land required within and for the scheme and so the associated quantum of built development that is likely to be achieved.

2.27 Density for the new community development is being set at an average of 45dph. As part of the further detail and evidence for the new community policy to be progressed this needs further review in line with the masterplan and viability work , to ensure that an appropriate average is being set, as part of range of densities that will be required to reflect the typologies expected in the market for this location and as part of a new community within Devon. Whilst some higher densities, including apartment typologies will be possible in and around centres (at or around the 55-60 dph suggested in the draft policy, predominantly this development will comprise prevailing context and market for development in this location. An average density that is less than 45dph may be most appropriate and this requires further critical review and part of the further detail and evidence that the Council is preparing.

Gypsy and Traveller Provision

2.28 Policy WS01 proposes that the new community development should make provision for gypsy and traveller pitches both during the plan period and beyond, and that this provision is to be brought forward in line with “bricks and motor” housing development and integrated within the new community. The specific evidence to support the inclusion of pitches as part of the new community development (rather than any other locations, including on land controlled by the Council or the County Council) should be provided in order to support this proposed requirement, together with evidence to support why/how this provision would be successful as part of the new community, rather than in other specific locations that could be identified by the Council. At this stage there is not evidence to support the inclusion of pitches as part of the new community and so there is an objection to this element of the policy, which requires further consideration and amendment.

Stewardship

2.29 Policy WS01 as drafted requires that a robust and sustainable stewardship vehicle and governance is put in place early in the planning and delivery process. This is to be informed by a Stewardship Strategy (to form part of the allocation wide masterplan). It is not clear from the policy what type or form of stewardship this element of the policy is intended to support, either via a new public authority (such as a new Town Council) for the new community (in place of, or via the reorganisation of existing Parish Council's for the new community area), or more traditional arrangements for oversight via the District and County Councils, with the use of Management Companies for the ongoing management and maintenance of some communal areas and assets. The policy should be more specific about expectations around this aspect of

Waste Transfer Station and Waste Water Treatment Works

2.30 Further evidence is required to support the inclusion of these two elements within and as part of the new community given that it is likely that they will likely support development beyond the new community. Evidence provided to support any updated version of Policy WS01 should include justification for the inclusion of these elements and their spatial requirements. If evidence shows that they are required within and as part of the new community, then they should be accounted for as part of the masterplan, phasing, and delivery plans (including viability assessment) and optimum locations considered having regard to form and function as well as possible environmental impacts and issues. It is likely that there would be (subject to detailed design and other constraints assessment) locations in the southern part of the new community near to the existing industrial uses at Hill Barton Business Park that would/could be suitable for these uses as part of the comprehensive development contemplated for the new community. This provision needs further clarification as part of the additional detail and evidence required for Policy WS01."

9. Strategic Policy WS09: Clyst Valley Regional Park

Object

Reasons

It would not be sound to prescribe Clyst Valley Regional Park boundaries based on a “Management Plan” that is not to be robustly examined in public as part of the Local Plan.^{4 5}

The CVRP is supported as a concept (and our client group wants to help deliver it) but it is to be located in the only area in East Devon free from significant strategic development constraints and consequently it will have to compete with higher tier land uses, especially bearing in mind what we state on the DTC, meeting unmet housing and employment land need (including from Exeter), all meaning that its boundaries cannot yet be defined and robustly defended as part of policy making.

The reality is it should evolve over time, paid for largely by strategic development that it will serve.

Suggested Amendments Required

Amend the policy so that the CVRP can be delivered as part of strategic development proposals at more intensive Masterplan stages, reviewed periodically.

⁴ This applies to other documents referenced.

⁵ May not comply with CIL regulations

10. Strategic Policy HN02: Affordable housing

Object

Reasons

There is a housing delivery crisis within East Devon, Exeter City and across the subregion. The western part of East Devon (along with Exeter City) is the area considered to be the economic driver for the sub region, and its growth should not be constrained for social and economic reasons.

The drastic shortfall in affordable housing should be addressed within the emerging Local Plans (added to the numbers required) for the two authorities.

The East Devon Local Plan must prioritise securing appropriate, viable levels of affordable housing within the Plan period.

Para 3.10 of the Plan cites that the affordable housing target for it is C4,000 houses; about 50% of the need of the evidenced need of C8,000 (not including the shortfall in delivery in current Exeter and East Devon Local Plan periods).

The Local Plan must maximise the delivery of affordable housing across East Devon by allocating more land for market housing in the “West End.”

Suggested Amendments Required

The Local Plan should state how it is going to deliver the affordable housing need of re than 8,000 houses (it has to address the current shortfall).

Allocate more housing land in the “West End” of the district to enable affordable housing delivery and reflect in other strategic policies.

11. Policy OL04: Areas of strategic visual importance

Object

Reasons

The areas of strategic visual importance are unidentified and the criteria for selection could result in practically every area in the district being subjectively assessed as being in an area of strategic visual importance.

This policy is imprecise and unworkable.

Suggested Amendments Required

1. Delete the policy

12. Policy OL05 Green Wedges

Object

Reasons

A Green Wedge designation is carried on from the current Local Plan, and this designation conflicts with Policy WS01 now.

The proposed policy implies that Green Wedges are identified as areas between settlements where constraints on development are essential to prevent physical or visual coalescence and/or to maintain the character and identity of those settlements or a sense of intrinsic separation.

Land between Poltimore and West Clyst has been allocated as a Green Wedge. This includes land owned by our Client which forms Phase 3 to the Pinhoe urban extension to Exeter and reflects the Green Wedge identified in the current adopted Local Plan.⁶

The development of our Client's land, as demonstrated by the extensive technical work underpinning the live planning application, would not create sporadic or isolated development, damage the identity of Pinhoe nor lead to settlement coalescence in any way.

Further, our Client's land represents a sustainable location for development, adjoining existing development and is without significant environmental or physical constraints. The development of this land would result in benefits to the setting of Poltimore House and the wider character of the area.

There is no merit in the identification of our Client's land as part of a Green Wedge as it would not reflect the criteria for identification as set out within the proposed policy nor would its development be restricted by the proposed policy.

We therefore respectfully ask that our Client's land at Pinhoe be removed from the Green Wedge designation.

⁶ An application for 165 houses and the restoration of Poltimore parkland has been submitted to the Council

Suggested Amendments Required

1. Because the policy is ineffective and not sound in this regard, amend it to consider Policy WS01; and,
2. Because there is no merit in the identification of our Client's land as part of Green Wedge at Pinhoe, as it would not reflect the criteria for identification as set out within the proposed policy nor would its development be restricted by the proposed policy, remove this land from the Green Wedge designation.

13. Policy OL10: development on high quality agricultural land

Object

Reasons

Paragraph 187 of the NPPF refers and this policy as drafted is at odds with it; it is imbalanced and could prevent potential required sustainable development sites from coming forward in the district.

Suggested Amendments Required

Either:

1. Delete the policy and rely on Paragraph 187 (and footnotes) of the NPPF (which should be the preference, we respectfully suggest); or
2. Redraft the policy based on Paragraph 187 of the NPPF (but all that would do is duplicate policy provision).

14. Strategic Policy PB05: Biodiversity Net Gain (BNG)

Object

Reasons

Statute prescribes 10% BNG . Whilst Paragraph 192 of the NPPF allows for Local Plans to prescribe a different level of BNG, it is clear that deviations cannot be set higher than 10% unless the figure is justified and evidenced by reference to local needs, local opportunities, and any impacts on viability (PPG on BNG), and that is not the case here. (The viability evidence is out of date and significantly off the pace.)⁷

Suggested Amendments Required

1. delete the policy, rely on statutory provisions and the NPPF, and focus on securing 10% BNG as required by statute.

⁷ PPG 006 Reference ID: 74-006-20240214

15. Policies PB03: Protection of irreplaceable habitats and important features and
PB08: Tree, hedges and woodland on development sites

Object

singularly and cumulatively to policies:

- PB03: Protection of irreplaceable habitats and important features
- PB08: Tree, hedges and woodland on development sites

Reasons

Regarding PB03, mature trees and hedgerows may not be “irreplaceable habitats” and/or “important features”.

Policy PB08 is complicated, and it is difficult to decipher exactly what it requires and of whom.

There is no evidence (bar Bristol City Council papers) presented as to why this policy has to be part of the Local Plan.

Nearly all planning applications for strategic development schemes are accompanied by detailed arboricultural reporting, in any case.

Asking applicants to commit to such expensive detail (at outline stage) is unjustified and inappropriate.

The Council has other tools available to it should it deem it necessary to protect trees and/or vegetation of merit (singular trees and grouped vegetation).

Suggested Amendments Required

Either:

1. delete the policies; or,
2. amend PB03 to delete mature trees and hedgerows from “irreplaceable habitats and important features”) **and** simplify PB08 and provide detailed, reasoned justification for analysis for the policy as written, and reconsult.

16. Policy PB09: Monitoring requirements for new planting schemes

Object

Reasons

There is no evidence at all for analysis to justify the main elements of this policy (especially the bond element).

Suggested Amendments Required

Either:

1. delete the policy;
2. provide detailed, reasoned justification for analysis for the policy as written and reconsult.

17. Strategic Policies OS01: Access to open space and recreation facilities and OS02: Sport, recreation, open space provision in association with development

Object

singularly and cumulatively to policies:

- OS01: Access to open space and recreation facilities,
- OS02: Sport, recreation, open space provision in association with development

Reasons

Housing Development

It is for the Council (not each and every applicant for planning permission) to evidence open space requirements based on existing supply and future demand considering its existing and emerging policy. That is fair and reasonable for all involved in development proposals, including the Council and its residents.

There is no evidence for analysis to justify the onerous provision that all schemes for more than 200 dwellings should provide an open space audit upon submission or that schemes for over 300 houses should provide all of the open space as tabulated (including formal playing pitches in proximity to the proposed scheme).

Such policy wording has no evidence basis, is not justified, can affect development viability, lead to open space in the wrong places (including duplication), potentially at the expense of much needed housing delivery, and could stop the Council from collecting planning obligations monies to deliver open space in the right places at the right times.

Other Development Types

There is no evidence for analysis to justify these requirements.

Suggested Amendments Required

Either:

1. delete the policies and rely on Chapters 2, 6 and 8 of the NPPF;

2. delete the following aspects from the policies:
 - the onerous, unjustified, and unclear, requirements for schemes of over 200 houses and over 300 houses;
 - the onerous, unjustified, and unclear, requirements for schemes for non-residential uses.
3. provide detailed, reasoned justification for analysis for the policies as written and reconsult.

18. Policies HE01: Historic Environment, HE02: Listed Buildings and HE03: Conservation Areas, HE04: Archaeology and Scheduled Monuments

Object

singularly and cumulatively to policies:

- HE01: Historic Environment,
- HE02: Listed Buildings,
- HE03: Conservation Areas,
- HE04: Archaeology and Scheduled Monuments

Reasons

Chapter 16 of the NPPF provides detailed guidance on how the Government expects plan makers, decision takers, and those involved in development, to deal with the conservation and enhancement of heritage assets

These policies, individually and together, either mirror Chapter 16 of the NPPF or, in some instances, with neither justification nor reason, attempt to take Chapter 16 beyond Government expectations in Local policies.

Suggested Amendments Required.

Either:

1. delete the policies and rely on Chapter 16 of the NPPF;
2. amend the policies to mirror Chapter 16 of the NPPF;
3. provide detailed, reasoned justification for those aspects out of kilter with the Chapter 16 of the NPPF, and reconsult.

19. Policy CF02: Loss of Community Facilities

Object

Whilst we support the sentiment of this policy, “community facilities” need to be defined tightly on such a restrictive policy.

Moreover, there needs to be an understanding that on occasion there could be justification for the loss of a community facility because that loss would lead to greater social and/or economic and/or environmental gains that would justify the loss.

Reasons

For such a restrictive policy, “community facilities” need to be defined tightly.

The tests do not include words effecting *“unless it is proven that there would be other greater social and/or economic and/or environmental gains to justify the loss.”*

Suggested Amendments Required.

Define “community facilities” and reconsult;

Add another “test” to include such words.

20. Conclusion

1. We thank you for the opportunity to comment and trust our views will be taken into consideration as the plan progresses.
2. Reiterating, there are many elements of the plan that our client fully supports (and where we are silent that can be taken to infer support), however, in this response we raise key themes that require attention by EDDC (and ECC) as part of the due process regarding appropriate consultation of the plan, its policies, and proposed allocations.
3. It is clearly in the interests of everyone that both EDDC and ECC adopt “sound” plans as soon as possible and our client will support the Councils in their aims.
4. However, the plan is not “sound” as it stands.

McMurdo Land Planning and Development Ltd

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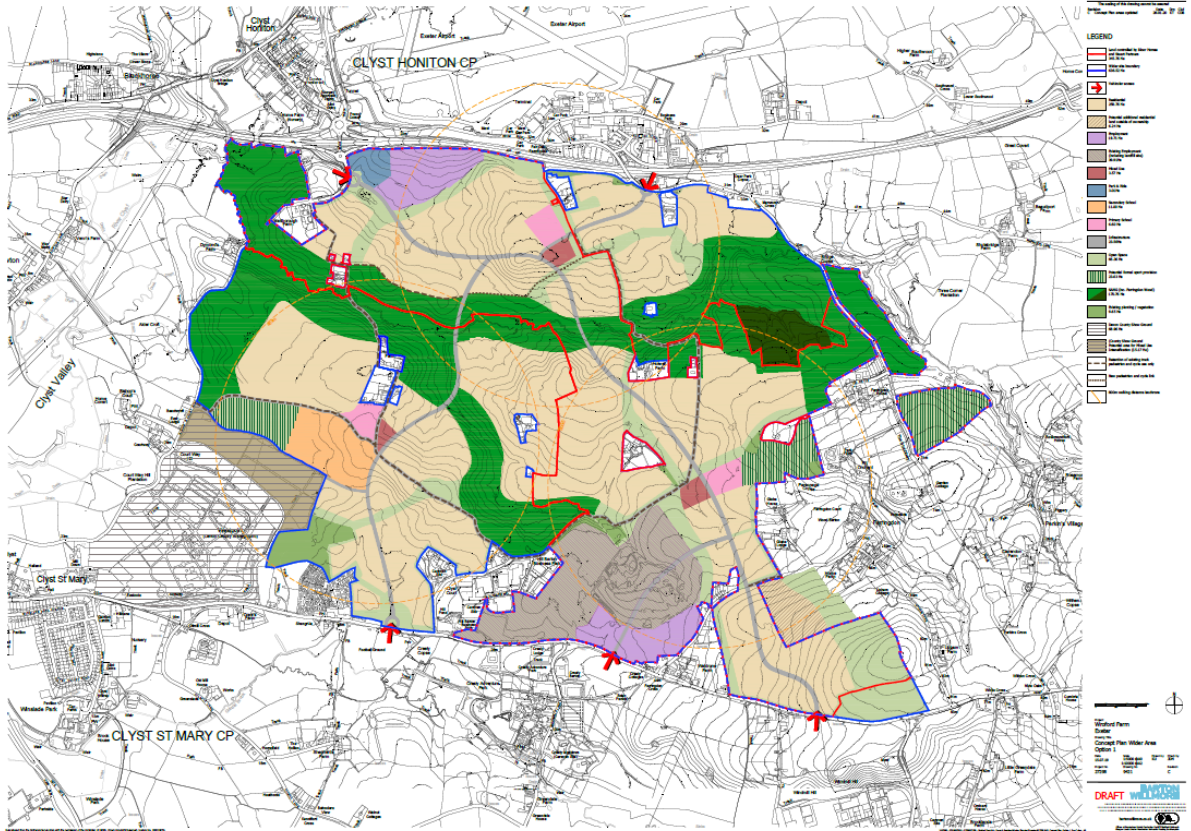
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t 01392 422297

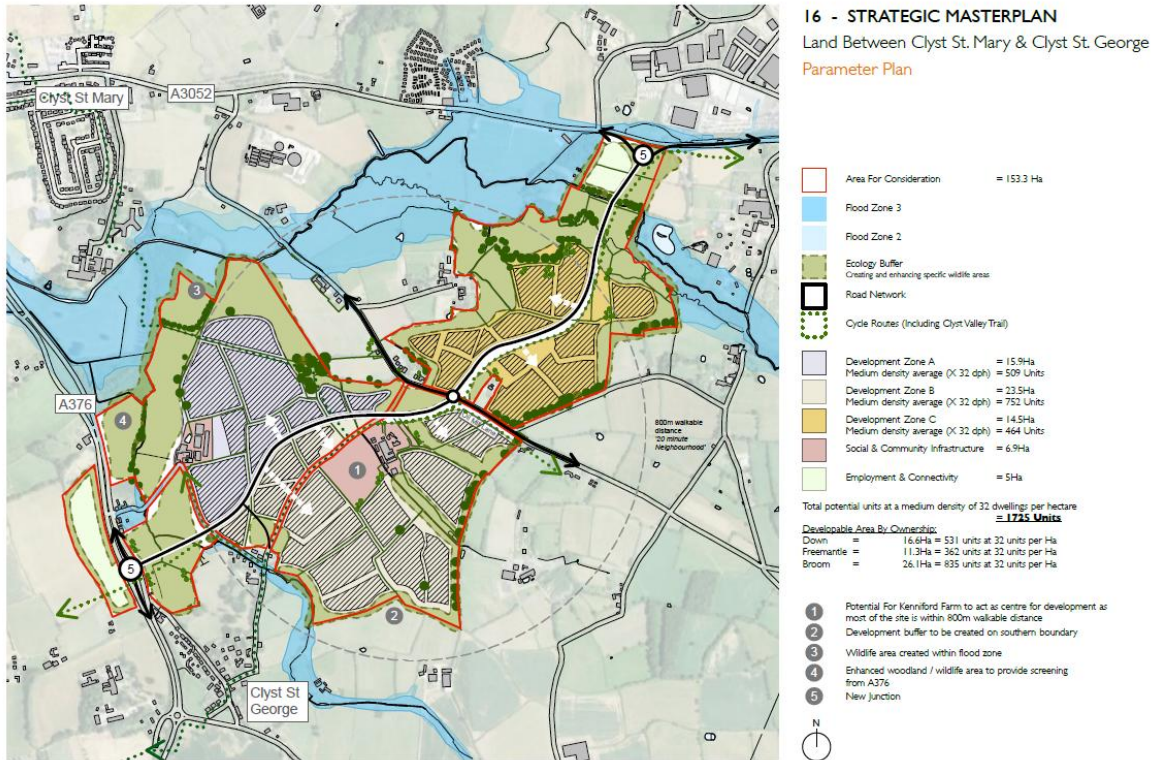
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James McMurdo MRTPI MRICS
Director
Land Planning & Development
Exeter

Appendix 1 Proposed New Community for up to 10,000 houses and an expanded Hill Barton Business Park



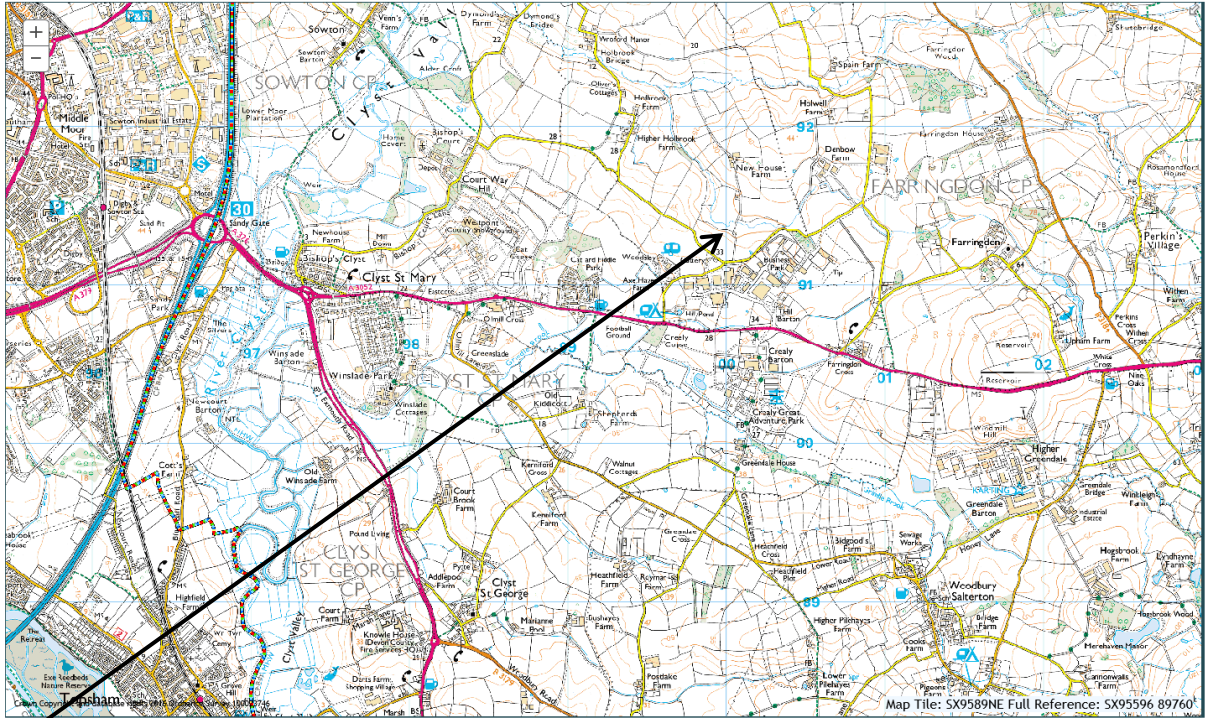
Appendix 2 Land making up a significant part of a proposed village between Clyst St George and Clyst St Mary to supplement the new community for up to 2,000 houses



Appendix 3 Phase 3 Pinhoe Urban Extension to Exeter for 165 Houses



Appendix 4 Hill Barton Business Park



Hill Barton Business Park Near Junction 30 of the M5 in the “West End”