



Planning Policy  
East Devon District Council  
Blackdown House  
Border Road  
Heathpark Industrial Estate  
Honiton  
EX 14 1EJ

Date: 13/01/2023

Letter ref: CP/00320

Dear Sir/Madam

### **Representations to the East Devon Draft Local Plan Consultation 2020 - 2040**

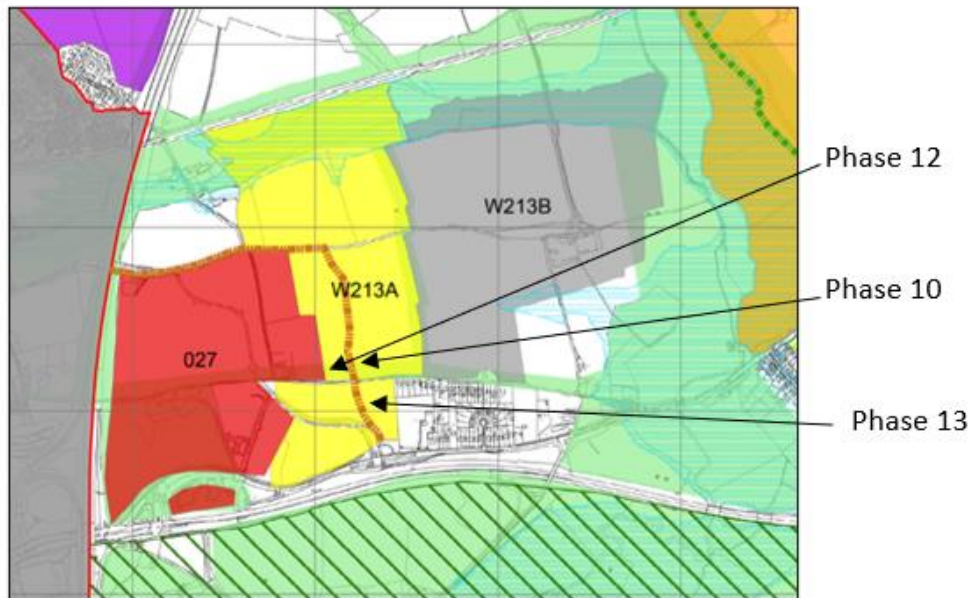
These representations to the East Devon Draft Local Plan 2020 - 2040 consultation are made on behalf of Eagle One who own land at Redhayes, Exeter. Eagle One made representations to the Call for Sites last year and welcome the opportunity to make further comments as the Local Plan is progressed.

#### Background

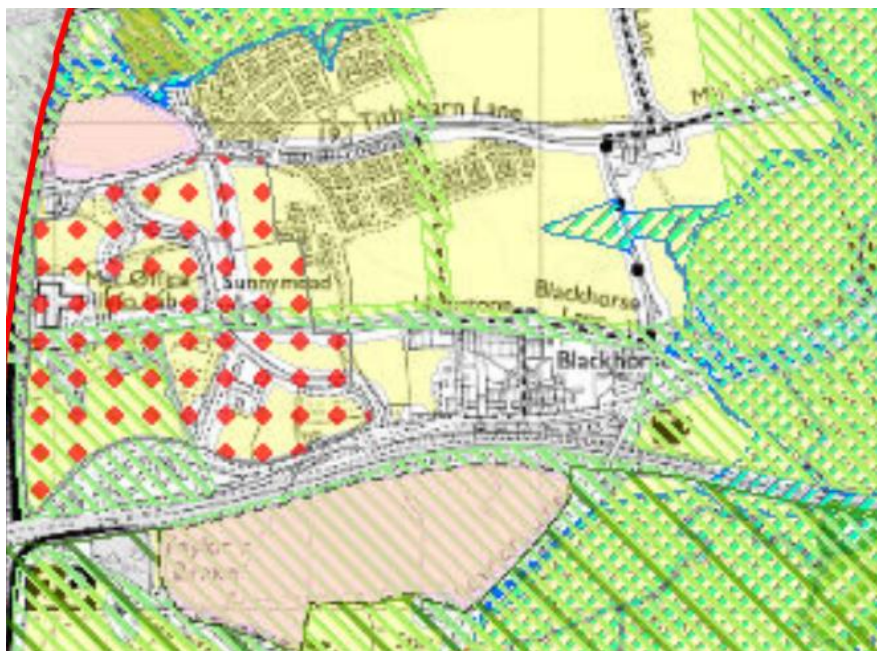
The land North of Blackhorse/Redhayes (Tithebarn Green/Mosshayne) is allocated for mixed use development in the current Local Plan. Outline planning permission was granted on 29 November 2013 (ref: 12/1291/MOUT) for the development of up to 930 dwellings, a new link road, employment area (B1a Use Class), park and ride facility, local centre/square, health and fitness centre, creche, public and private open space and car and cycle parking, together with landscaping and associated servicing (all matters reserved except points of access).

The majority of the outline application site has now been developed or is under construction however, parts of the site (including phases 10, 12 and 13) remain undeveloped. Phase 13 was identified in the 2013 outline permission for employment uses and is currently subject to a further outline planning application (ref: 21/3148/MOUT), due to the deadline for reserved matters on the original outline permission having expired, for up to 6,000 sqm GIA of office space, for which a decision is pending. Phase 12 was identified for leisure uses. Phase 10 was identified for

allotments (which have subsequently been allocated elsewhere) and that phase is currently subject to a full planning application for the construction of four commercial, business and service units (Class E) and nine detached dwellings with associated access, parking and infrastructure (ref: 22/0975/MFUL). The relevant extract from the current Local Plan policy map is set out below, with the location of these undeveloped development phases identified.



The Draft Local Plan Consultation policy map for the Western side of East Devon does not include any of the land which is allocated for development in the current local plan as shown on the extract of the plan below.



The time for submitting reserved matters applications in association with outline permission ref: 12/1291/MOUT has now expired and given that there are areas of the site which have not yet been granted full planning permission, the allocation is required to be carried forwards in the new Local Plan to avoid future applications being considered against planning policies which do not support the principle of development. Paragraph 22 of the NPPF states,

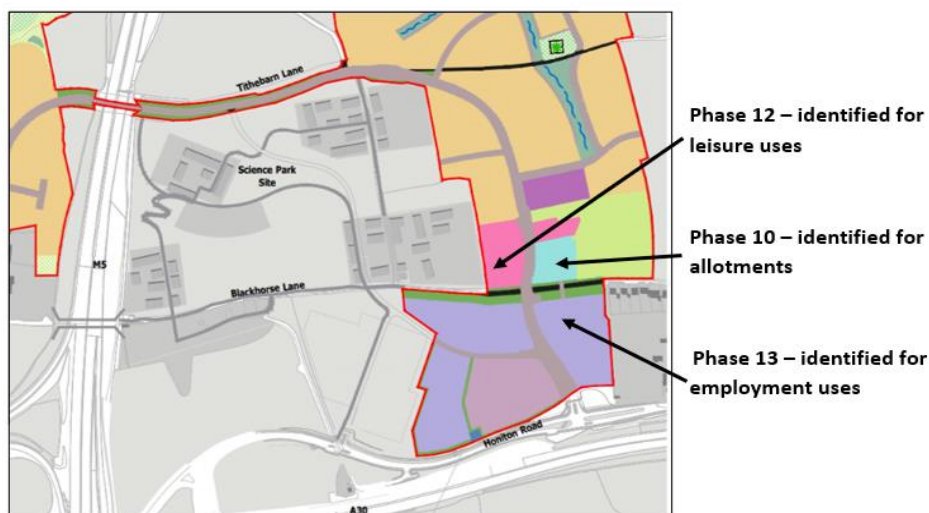
*‘Strategic policies should look ahead over a minimum 15 year period from adoption, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery.’*

In accordance with the NPPF, the undeveloped parts of the site should continue to be allocated for development in the emerging Local Plan for East Devon.

Given the omission of the undeveloped sites for allocation and the need to consider the area as a settlement, the emerging Local Plan is considered to be unsound as it does not meet the tests set out in paragraph 35 of the NPPF which require the plan to be effective, justified and consistent with national policy.

#### Allocations for alternative/flexible uses

The land use plan approved as part of the outline permission ref: 12/1291/MOUT, identifies phase phases 10, 12 and 13 for allotments, leisure and employment uses respectively, which are shown on the extract below.





Within our call for sites representations dated 10 May 2022, we highlighted the difficulty Eagle One are facing with bringing forward such uses on these sites.

Phase 10 was allocated principally for allotments, but that use has been allocated (and consented) elsewhere. The site is subject to a detailed application for mixed uses.

Parcel 13 was identified for employment uses on the approved Land Use Plan (application ref: 12/1291/MOUT). It is now subject to an outline application for employment use and is recommended for approval.

Phase 12 is identified on the Land Use Plan for leisure uses however, there has been limited interest from potential occupiers for such uses. Other non-residential uses will be provided in close proximity to the site, with reserved matters having been approved in July 2021 for the Local Centre comprising local shops, community facilities, public square and a play area (ref: 21/0936/MRES) and an application has been made for sports pitches (ref: 21/1016/MRES) on phase 11, which is currently under consideration by the LPA.

Paragraph 122 of the National Planning Policy Framework (NPPF) states that,

*“Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:*

*a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and*

*b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area”.*

The need to review current allocations is referred to in paragraph 3.61 of the new Local Plan which states

*“The Council needs to assess the quality and quantum of employment floorspace which could be delivered in the plan period to fill any forecast supply shortfall and allow for an appropriate degree of supply flexibility. This includes sites put forward through the HELAA*

*call for sites. It also includes assessing whether any of the employment allocations in the adopted local plan but as yet undeveloped remain viable and attractive sites, and can be reallocated”.*

Given the lack of demand for leisure uses on phase 12 and the relocation of the allotments allocated to Phase 10 at Redhayes, consideration needs to be given, in accordance with national policy, as to whether that land would be better reallocated in the new Local Plan for residential development on Phase 12 and mixed residential/employment use on Phase 10. Phase 13 should be allocated for employment uses but with flexibility to revert to residential use if employment becomes unviable.

Currently, the plan is silent in respect of the development potential of this land and the absence of the necessary assessment of whether the land should be allocated for other uses is inconsistent with national policy and would make the plan in conflict with the tests of soundness (paragraph 35 of the NPPF) in this respect.

#### Other relevant policies

Emerging Policy 40 (Affordable Housing) seeks affordable housing provision of at least 35% on sites throughout the district outside of the proposed New Town. Historically, the level of affordable housing delivered on sites within the West End area of the district has been 25%. A Deed of Variation to the Section 106 Agreement attached to application 12/1291/MOUT, amended the level of affordable housing from 28% to 25% affordable housing which has resulted in the delivery of viable residential development on the wider Redhayes site. We therefore recommend that 25% affordable housing provision should be appropriate for this area of the district. In order for a Plan to be considered sound, it has to be based upon proportionate evidence to justify its policies (paragraph 35 of the NPPF) and therefore the deliverability of recent developments should be considered as part of the evidence base in determining appropriate affordable housing targets across this district.

#### Summary

For the reasons outlined above, we object to the parts of the draft plan we have identified in this letter which we consider to be inconsistent with national policy and guidance, unjustified and therefore unsound.

We trust that these representations will be taken into account. If you require any further information at this stage, please do not hesitate to contact us.

Yours faithfully,

**COLLIER PLANNING**