

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/00806

Dear Sir/Madam

**East Devon Local Plan 2020-2042 – Regulation 19 Publication Draft
Representations on behalf of Eagle Investments (SW) Ltd regarding land at St
John’s, Exmouth**

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 at St Johns, Exmouth, which is included as part of the draft allocation Exmo_20. 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 SP04: Employment provision and distribution strategy

It is unclear at this stage what has formed the basis of the employment provision and distribution strategy set out within Strategic Policy SP04. There appears to be a lack of evidence underpinning this policy and how it has been conceived.

We note that an element of the proposed strategy is for Use Class E(g)(iii) light industrial use needs to be met alongside larger housing developments as allocations. We question the rationale for this and what assessment has been made in respect of how suitable such allocations are for accommodating light industrial employment needs of the area. At this stage, we do not consider that it has been demonstrated that this strategy is *Justified* or likely to be *Effective* for delivering employment land and premises in the right places over the plan period.

Strategic Policy SD01: Exmouth and its development allocations

Eagle Investments (SW) Ltd supports the proposed allocation of land which it owns at Exmo_20-land at St John's, Exmouth for mixed use development. The entire site identified on the Policy maps is available for development, is within a sustainable location adjacent to the existing settlement boundary of Exmouth and not covered by any environmental designations. There is a significant need for housing, including affordable housing, within the Exmouth area and the Exmo_20 site is suitable for development to meet those needs over the emerging plan period, along with a mixture of uses and community facilities, as part of a highly sustainable urban extension, as the Council's own site assessment has found.

The draft policy proposes a comprehensive development scheme to accommodate social and community facilities, around 700 new homes and at least 2 hectares of employment land.

Eagle Investments (SW) Ltd have previously submitted to the Council a Vision Statement and a subsequent Addendum (dated October 2024). These are both enclosed again with this letter so that they can be included in the package of information that is forwarded to the Local Plan Inspector.

The Vision Statement and Addendum begin to demonstrate how the site allocation will be able to come forward on the basis of masterplan for the whole site. It is intended that discussions will commence with the Council as soon as possible regarding the draft policy requirement to agree a comprehensive masterplan for the site including how phased development will be undertaken.

The Vision Statement and Addendum provide confidence that built development can be concentrated in the southern parts of the site while protecting the setting and tranquillity of nearby heritage assets, specifically St John in the Wilderness church. It also explains how the woodlands within and adjoining the site will be able to form a major asset and help in the achievement of high quality placemaking. Furthermore, it illustrates that development will not need to protrude within 400 metres of the nearby Pebblebed Heaths.

A Landscape and Visual Appraisal of the site is enclosed and demonstrates that there are no landscape or visual impact barriers to the development of the site as envisaged.

The Addendum to the Vision Statement provides an overview of the access and transport strategy which the development of the site could adopt. It explains how vehicular access to accommodate development in the southern parts of the site can be provided from 'Southern Wood'. A plan illustrating how this can be achieved is enclosed. It also explains that the master planning of the site will maximise pedestrian and cycle links between the existing, adjacent residential and employment areas and the proposed new neighbourhood, through the provision of connected streets designed to be suitable for cycling and walking and, where appropriate, additional measures to ensure that cycling and walking are a safe and attractive means of transport to access existing bus services on Dinan Way and allowance for future provision of new local bus services within the development. This will ensure that walking, wheeling, cycling and public transport will be the natural first choice for short local journeys, in accordance with the requirements of draft Strategic Policy TR01: Prioritising walking, wheeling, cycling, and public transport. A Transport Technical Note is also enclosed and explains that initial modelling has concluded that traffic

impacts on the nearby road network will be insignificant due to the planned road improvements to Dinan Way, which will enhance capacity and ensure efficient traffic flow.

We consider that the inclusion for a requirement to provide at least 2 hectares of employment land requires some explanation and clarification within the draft policy. We note from Strategic Policy SP04 that the proposed uses to be included with the Exmo_20 site are to be limited to light industrial uses falling within Use Class E(g) (iii), being those which can be carried out in any residential area without causing detriment to the amenity of the area. As a minimum, confirmation of this within the draft policy is required to avoid any confusion as the site would not be suitable for B2 (General Industrial) or B8 (Storage and Distribution) uses for a variety of reasons. The Vision Statement and Addendum indicate that the Masterplan will include Workshops and Studios as part of a mixed-use development along with a local centre, Primary school (if required by DCC), community hub and working hub. Rather than specify 2 ha of land take for light industrial uses, it would be more appropriate for the policy to include a requirement for the inclusion of employment generating uses, as proposed by the Vision Statement, including uses falling within Use Class E a, b, c, d, e, f and g (iii).

Exmo_20 site is not within the nationally important National Landscape (formerly AONB) and neither is it within any current local plan Green Wedge or Coastal Preservation Area designations. The proposed allocation of the site over sites which are within the National Landscape and other designations is entirely *Justified* and *Consistent with national policy* which requires that plans distinguish between the hierarchy of international, national and locally designated sites and allocate land with the least environmental or amenity value.

Eagle Investments (SW) Ltd are working with a local SME housebuilder and commencement of development of a first phase could be commenced within the next two years so that it can make a meaningful and valuable contribution to housing delivery within the next 5 years and beyond.

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 underpinning 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.

In order to avoid unnecessary repetition, clarification is required in respect of how this requirement relates to the Strategic Policy SD01 for Exmo_20 and its requirement for a comprehensive masterplan to be agreed with the Council.

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