

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/00320

Dear Sir/Madam

**East Devon Local Plan 2020-2042 – Regulation 19 Publication Draft
Representations on behalf of Eagle One MMIII Ltd regarding land at Tithebarn
Way, Exeter (HELAA Site Brcl_25)**

We write on behalf of Eagle One MMIII Ltd to make representations on the Local Plan Regulation 19 Publication Draft consultation with reference to land which it owns at Tithebarn Way, Exeter (HELAA Site Brcl_25). Eagle One MMIII 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 which seeks to focus a large proportion of development requirements at the West End part of 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.

Secondly, having regard to paragraph 78 (c) of the NPPF it means that almost from adoption of the plan, the Council will need to 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.

Chapter 4: Development at the West End

Strategic Policies WS01-WS15 allocate land for development at the West End but the land which Eagle One MMIII Ltd owns at Tithebarn Way, Exeter (HELAA Site Brcl_25) is omitted from the sites which are proposed to be allocated.

The site was granted a renewed outline permission (Ref: 21/3148/MOUT) in 2023 for employment development and is actively being marketed. Both of these factors clearly demonstrate that it is, contrary to the Council's site sifting assessment (*Housing and Economic Land Availability Assessment (HELAA) Appendix F (iii) Sites submitted in response to the 2022 call for sites*) available for employment development and it should, at the very least, be allocated for that use within the draft local plan.

However, there has not as yet been viable occupier interest in developing the site for employment purposes and because it is also in a suitable location for housing, in accordance with the NPPF, consideration should be given to whether it should be identified in the draft local plan as a site to help meet the more substantial housing requirements of the district. To rule this out, as appears to have happened within the site sifting report, solely on airport noise issues does not seem reasonable or justified when the site adjoins land which is being developed for over a thousand other houses with appropriate infrastructure, including a new school, local centre, sports pitches, etc, now also being delivered.

Eagle One is a South West based private property development and investment company with its head office located at Exeter Science Park (within 350 m from the site). The company retains a substantial commercial investment portfolio including office buildings in Exeter, Plymouth, Bath and Bristol with the majority of the portfolio comprising properties that have been built by the company over its 40 year existence.

This site has been within Eagle One ownership since 2003. The focus for the company has been to develop the site for the consented office use and retain it within their portfolio.

Eagle One have made extensive efforts to bring forward the development, including:

- Property agents initially appointed in 2015 –a mix of local and regional firms of surveyors with specialism in offices
- Web-site set up in 2015

- High profile marketing board on site since Jan 2016
- Computer generated images produced
- Dedicated financial and scheme proposals made to occupiers
- Renewed outline planning application for offices submitted in 2021

More than £175,000 has been spent on marketing and planning (not including the original outline permission) specifically to promote office use for this site, excluding infrastructure costs.

Eagle One has engaged with numerous occupiers over the marketing period but despite their best efforts have been unable to secure an occupier. The site has been serviced since completion of the Tithebarn Link Road final phase in 2018. Eagle One's commitment to trying to deliver office development on the site is emphasised by the effort and cost put into the planning process. They are very experienced in delivering commercial development across all sectors.

However, since the Covid pandemic there has been a major change in demand for office space with a shift towards working from home. This has had a significant impact on office investment values, which together with the increase in build costs has meant that office development in this location is no longer viable. This is a view supported by the Council's Economic Development Officer. Furthermore, the Council's Economic Development Needs Assessment report of January 2023 also identifies an oversupply of 'office sites' with an expected demand in the period 2020-2040 of 2-14ha (page 65) against a supply (page 66) of 16-41ha.

Planning permission (LPA ref: 21/3235/MFUL) was granted in January 2024 for the construction of 44 dwellings on land which adjoins the site to the east as shown on the approved layout plan set out below.



This means that Eagle One’s land at Tithebarn Way, Exeter (HELAA Site Brcl_25) is now bordered by consented housing to the east and north. Tithebarn Way/Anning Road borders it to the west while Honiton Road borders it to the south. It is eminently suitable for housing development and clearly in a highly sustainable location.

Paragraph 127 of the NPPF states that planning policies and decisions need to reflect changes in the demand for land and 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 development coming forward for its identified use it should reallocate the land for a more deliverable use that can help to address identified needs.

In light of the very substantial housing need now identified under the standard method, published on 12 December 2024 and the significant implications identified above arising from Council’s decision to only plan for 80% of that need, including the requirement for the plan to have a very significant update within five years of adoption and the Council needing to demonstrate a six year housing land supply for the purposes of decision making almost from the point of adoption, the Council’s reasons for dismissing this site and its omission as a housing allocation means that the draft plan is not *Positively prepared, Justified, Effective or Consistent with national policy* and fails

all four of the tests of soundness. We therefore object to its omission as a site allocation on this basis.

Eagle One's land at Tithebarn Way, Exeter (HELAA Site Brcl_25) is available for development and within a highly sustainable location for housing. It is also 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. It should be allocated for housing within the draft Plan.

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