

Second East Devon Local Plan Publication Draft Consultation

Representations on behalf of the Cherwell Group

January 2026



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EXECUTIVE SUMMARY

These representations to the Second East Devon Local Plan Regulation 19 consultation are submitted on behalf of the Cherwell Group. The Cherwell Group have a controlling land interest on land to the north of the A3052 and to the west of Yeo Business Park and Hill Barton Business Park. The site is known as Axehayes Farm. It is identified in Appendix 1. Their land interest corresponds with the south western portion of the land proposed for allocation at Strategic Policy WS01 of the emerging Local Plan, to form the Marlcombe new community. It follows that the Cherwell Group strongly support the allocation of land at the Marlcombe new community.

Since the previous Regulation 19 consultation, the Cherwell Group and the other major landholders within Marlcombe have formed a landholder interest group. It includes a national housebuilder, a developer/promoter, a promoter and a developer of employment land and energy infrastructure. The skillset and knowledge of this landholder group make it well-placed to support, in partnership, East Devon District Council in bringing forward their proposals, for what will be their second new community.

The evidence justifying the allocation of land at Marlcombe is compelling. It provides a strong fit with the Plan's spatial strategy, which seeks to focus development in the less environmentally sensitive areas of East Devon and close to the regionally significant city of Exeter. Whilst the Policy seeks to encourage internalisation, Marlcombe will also be located in close proximity to the services, facilities, jobs and active and sustainable transport facilities within East Devon's West End and Exeter. Following an assessment of three differing options to accommodate a New Town, the Plan's technical work concluded that it was the most appropriate location. It has also been the subject of a four stage, iterative sustainability appraisal process. It is therefore a sound proposition.

In terms of Strategic Policy WS01, the Cherwell Group make the following comments:

- As drafted, Strategic Policy WS01 is unusually long, spanning some seven and a half pages. There is a concern that given its length, it does not provide a clear and concise framework to guide future applications. It also duplicates other policies proposed within the emerging Local Plan, and even in some instances, the same policy objective is covered more than once in Strategic Policy WS01.
- There is a lack of clarity over the required scale of infrastructure that is to be provided within the land allocated in the emerging Plan. Some items of infrastructure are specified to accommodate the ultimate size of Marlcombe (and potentially wider areas), whilst other requirements in the Policy have been sized to accommodate the quantum of development allocated in Strategic Policy WS01 (8,000 homes).
- The Cherwell Group have a number of concerns relating to the Council's masterplan, including in relation to the location of the education campus and the size of the proposed sustainable drainage system. In particular, they consider that the portion of Axehayes Farm where the education campus is proposed is topographically challenging. Whilst it is feasible for an education campus to be located in this area of Marlcombe, it will require significant earthworks, which will generate abnormal costs. They suggest that the education campus would be better located on more level land, to the north west. A number of additional benefits would arise from such a design response. They do, however, acknowledge that these matters can be explored further during the preparation of the site wide masterplan.
- Given the scale of the new community, it will need to be undertaken on a phased basis. The required phasing strategy should be prepared in collaboration with the landholder interest group, who will ultimately be responsible for delivering Marlcombe.
- The allocation of strategic levels of residential development at Marlcombe is supported. It will make the most significant contribution to meeting East Devon's housing requirement, accounting for around one in every six homes that will come forward over the plan period.
- It is considered that the Council's housing trajectory for the new community is ambitious, but in overall terms, past and forecast delivery rates would suggest that it is *deliverable*. It will, however, require

planning applications to be prepared prior to the adoption of the Local Plan and in parallel with the Examination in Public.

- The 'aspirational' target of 40% affordable housing (with public subsidy) is not sufficiently clear, is not effective and does not accord with national planning policy. It also does not provide a sufficiently clear basis from which to be able to assess whether the District's affordable housing needs will be met over the plan period. Instead, the emerging Policy should establish a viable 'baseline' level of affordable housing, which should be informed by a viability assessment that fully accounts for all developer contributions. The Policy could then require applicants to explore whether public subsidy was available to achieve the Policy aspiration of 40%.
- Further evidence is required to justify many of the items of infrastructure that are currently required by the Policy. In some cases, there is a need for further clarity over where the items of infrastructure are to be located and their scale. Further clarity around these points would not only assist with decision-making, but would also provide robust inputs into the Local Plan's viability work.
- The form, timing and how the site wide masterplan, the phasing strategy and the infrastructure delivery strategy are to be prepared and agreed is unclear. The same level of engagement should be required for these elements of work as the parameter plans.
- Unless a proposal is seeking to depart from the Plan's affordable housing and infrastructure requirements, a financial appraisal should not be required through the development management process.

In addition, they have also made a number of suggested modifications to other more development management focused policies in the emerging Plan.

The Cherwell Group are aware that the bespoke viability work for Marlcombe is currently being prepared. In the spirit of collaboration, their viability consultant has confirmed the methodological approach that should be adopted, together with suggested inputs.

1 Introduction

Background

- 1.1 This representation to the Second East Devon Local Plan Regulation 19 consultation is submitted on behalf of the Cherwell Group. The Cherwell Group have a controlling land interest on land to the north of the A3052 and to the west of Yeo Business Park and Hill Barton Business Park. The site is known as Axehayes Farm. It is identified in Appendix 1.
- 1.2 The Cherwell Group's land interest corresponds with the south western portion of the land proposed for allocation at Strategic Policy WS01 of the emerging Local Plan, to form the Marlcombe new community. It follows that the Cherwell Group strongly support the allocation of land at the Marlcombe new community.
- 1.3 Notwithstanding this support, there are elements of the Plan, including Strategic Policy WS01, that concern them. Their concerns have required them to object to specific policies within the Plan, or in some cases, specific parts of policies. To help the Plan move forward at pace, which we understand is a shared objective of the Local Planning Authority, suggested alterations to various policies are proposed to address the Cherwell Group's concerns and ensure that the Plan is a sound proposition.

The landholder group

- 1.4 Since the last Regulation 19 consultation in 2025, the major land interests within the Marlcombe new community have formed a landholder interest group. This group combines the knowledge, expertise and the proven track record of delivery of a national housebuilder, a developer/land promoter, a land promoter and a major developer of employment land provision and energy infrastructure. The skillset and knowledge of this landholder group make it well-placed to support, in partnership, East Devon District Council in bringing forward their proposals for the Marlcombe new community, which will include homes, employment land and social and community infrastructure.
- 1.5 As the Local Planning Authority are aware, the landholder interest group are supportive of the Council's vision and objectives for the new community. They have welcomed the opportunity to participate in Council run meetings and workshops, which have recently widened in scope again, to include other key stakeholders. A joint Heads of Terms document also commits all parties to continue their ongoing discussions and collaborative working over the medium term, and possibly longer.
- 1.6 In addition to the meetings with the Local Planning Authority and the wider stakeholder group, the landholder interest group has also held regular meetings and have, over the past 12 months, jointly commissioned work relating to community wide infrastructure and masterplanning matters. The formalisation of this joint working is likely to occur, with the form and content of a collaboration agreement presently being discussed. This will help to frame further joint technical work.
- 1.7 The landowner group are also aware that there is a need for the collaborative working, both as a group and with the Local Planning Authority and other stakeholders, to continue at pace, so as to ensure that Marlcombe's contribution to meeting the Local Plan's housing requirements, will realise.

The emerging Local Plan and the role of the Marlcombe new community

- 1.8 As a matter of principle and approach, the Local Plan should be prepared with the objective of contributing to sustainable development. This is both a requirement of the Planning and Compulsory Purchase Act 2004 (Section 39(2)) and inherent in national policy (paragraph 16(a)). In the context of the planning system, sustainable development is defined by reference to social,

economic and environmental objectives and the Local Plan's policies and proposals will need to strike a balance between these aspects.

- 1.9 A central and overarching tenant of planning policy is the achievement of sustainable patterns of development. The emerging Local Plan has an active role in guiding new development towards sustainable solutions. It will need to do so having regard to local circumstances, character, environmental constraints, opportunities to accommodate development and overall needs. In this regard, the potential for new development along the A3052 corridor has long been recognised.
- 1.10 Specifically, consideration was given to allocating land along the A3052/A30 corridor during the formation of the 2016 Local Plan. Further technical work undertaken by the Local Planning Authority in support of the emerging Local Plan continues, as part of a sustainable strategy for accommodating East Devon's development needs, to identify an important role for the A3052/A30 corridor.
- 1.11 It is in this context that these representations have been prepared. They principally concern the following policy areas:
- the proposed spatial strategy; and
 - the proposed Marlcombe new community.
- 1.12 Our representations are structured as follows:
- Section 2 – describes the development opportunity on land at Axehayes Farm;
 - Section 3 – provides a summary of key national and local planning policy as it relates to plan-making;
 - Section 4 - concerns the proposed spatial strategy;
 - Section 5 – concerns housing supply, focusing on the Marlcombe new community;
 - Section 6 - concerns the proposed allocation of the second new community at Strategic Policy WS01 of the emerging Local Plan;
 - Section 7 – provides comments on draft development management policies;
 - Section 8 – concerns viability;
 - Section 9 – concerns the evidence base; and
 - Section 10 - provides an overarching summary and affords support to the emerging Plan.
- 1.13 Confirmation of whether the Cherwell Group supports, or objects to each policy referred to in this representation is set out in the title of each section.
- 1.14 As the Local Planning Authority consider that they benefit from the transitional arrangements established in the December 2024 version of the National Planning Policy Framework (NPPF), and the emerging Plan will be Examined against the earlier version of the NPPF, all references to the NPPF within this representation relate to the December 2023 version of the NPPF, unless otherwise stated.

2 The development opportunity on land at Axehayes Farm

DEVELOPMENT PROPOSALS

- 2.1 The Cherwell Group have, for a number of years, been developing their proposals for Axehayes Farm. Various developable options have been progressed, which are underpinned by detailed technical work that has been prepared in relation to ecology, landscape, flood risk and drainage, sustainability and access and movement. They also have had regard to the detailed masterplanning work prepared by the Local Planning Authority in support of Strategic Policy WS01 of the emerging Local Plan.
- 2.2 In the main, the Cherwell Group's development proposals closely align with the Council's masterplan provided at Figure 7 of the emerging Plan and within Document NWC-002. Whilst the Cherwell Group acknowledge that, from a design perspective, the Council's masterplan is *deliverable* and therefore underpins an *effective* policy, the detailed technical work prepared by the Cherwell Group has concluded that a number of improvements could be made, in order to principally aid place-making and viability.
- 2.3 Having regard to their technical work, the proposal could accommodate:
- between 395 and 1,090 homes on between 9.41ha and 25.93ha of land;
 - if the lower end of the housing capacity range was selected, then an education campus could be provided on 17.3ha of land (of which 16.53ha of land is in the control of the Cherwell Group), in the northern area of Axehayes Farm. In accordance with Document NWC-002, a mobility hub will be provided at the education campus;
 - access from the A3052, which could be a new roundabout, or another similar high capacity junction;
 - a new access road that would connect the proposed new junction on the A3052 with the site's northern boundary. This would become part of a new vehicular connection between the A3052 and the A30;
 - new pedestrian and cycle connections;
 - access into a park and ride facility, which would be provided on third-party land to the west, which will include a mobility hub;
 - between 8.76ha and 18.33ha of green infrastructure;
 - a suitably sized sustainable drainage system;
 - a range of travel planning measures to reduce the need to travel via the private car; and
 - a contribution to biodiversity net gain across the Marcombe new community.
- 2.4 A more detailed explanation of each component of the development is provided below.
- 2.5 The quantum of housing that is capable of being delivered on Axehayes Farm is dependent on the approach taken to the education campus and in terms of public open space, suitable accessible natural green space (SANG) and biodiversity net gain. An explanation of these factors is provided below.

Education campus

- 2.6 As stated above, the Cherwell Group consider that from a design perspective, the Local Planning Authority's masterplan for the Marcombe new community, including their proposals at Axehayes Farm, is a *developable* and therefore an *effective* proposition.

2.7 However, the Local Planning Authority's masterplan places the proposed education campus on the northern portion of the Axehayes Farm site. This portion of the Axehayes Farm site is the most topographically challenging, with the fall in levels from the north to south in this area being between 1:7 and 1:20 and a level difference of nearly 15m. The change in levels is shown on the work provided at Appendix 2. Whilst this change of levels would not preclude an education campus being constructed in this location, given the likely size of the school, it is likely to require significant earthworks. This area of the site will naturally be more suited to smaller buildings, such as homes.

2.8 The masterplanning work prepared on behalf of the Cherwell Group would suggest that the education campus would be more appropriately located to the north west and to the south and south west of the proposed town centre. A number of benefits would arise from this approach, which include:

- it would be more centrally located within the Marlcombe new community, making it more accessible for a greater number of students living within the development;
- a greater opportunity for 'trip chaining' between the school and the services and facilities contained within the town centre, which will provide a strong fit with Objectives 2 and 9 of the emerging Local Plan;
- having a destination, such as the education campus, close to the town centre, would only further enhance its viability and vitality;
- it would be on less topographically constrained land, which could reduce its cost of construction. The abnormal costs of constructing it in its proposed location are acknowledged in Document KSD-001(rev)¹. Noting the size of the proposed planning obligations package, which includes an aspiration for 40% affordable housing, reducing the costs of providing necessary infrastructure could become an important consideration;
- the education campus could be designed to front over the proposed primary route between its northern and southern extents, thereby becoming an important wayfinding feature; and
- such a design would allow for the associated playing fields to be located behind the education campus and therefore providing a green and soft transition between Marlcombe, the Clyst Valley Regional Park and Clyst St Mary to the west. In this regard, the Cherwell Group note that the Vision for Marlcombe is, *inter alia*:

"This sustainable community will be sensitively and seamlessly integrated with the rolling landscape of the Clyst Valley whilst retaining the physical and visual separation from the nearby villages of Farringdon and Clyst St Mary" (our emphasis).

2.9 In regard to the abnormal costs for constructing the education campus in the location shown in Figure 7 of the emerging Local Plan, the Cherwell Group note that within their consultation response to the First Regulation 19 consultation that Devon County Council stated:

"The Education Authority is unable to accept land which requires abnormal costs to deliver education infrastructure in line with the Department for Education's BB103 area guidelines for mainstream schools and BB104 area guidelines for SEND alternative provision."

2.10 Whilst it could be argued that the Cherwell Group's revised location could necessitate a greater length of the primary access road earlier in the phasing of the development, Document NWC-003 establishes a broad phasing strategy that includes the education campus, the primary road and junctions onto the A3052 and the A30 within the first phase of development and prior to the occupation of any home².

¹ EDU-9.

² Section 7.3.

Public open space, SANG and biodiversity net gain

- 2.11 There remains the opportunity for a greater level of public open space and SANG land to be provided within Axehayes Farm. Such an approach would provide a strong green connection from the southern and western areas of the Axehayes Farm development to the Clyst Valley Regional Park to the west.
- 2.12 There are a number of benefits with such an approach, which are principally:
- whilst the Cherwell Group and the other members of the landholder group are committed to a design process that is derived by the principles of comprehensiveness and place-making, there will be a need, particularly if the rates of delivery required from the new community are to be met, for the southern extent of the Marlcombe new community to come forward at pace. A proposal that would enable the Cherwell Group to meet their public open space, SANG and biodiversity net gain requirements within land that they control, would make delivery far more straightforward (although it is noted that ongoing discussions are occurring with the landholder interest group about the delivery of strategic SANG and public open space); and
 - Axehayes Farm falls from its northern boundary to the south. This differs to other areas of the Marlcombe new community, which, in the main, fall towards the watercourses to the north. It, and the other development parcels shown on the Council's masterplan to the west, therefore form a separate drainage catchment. Work undertaken on behalf of the Cherwell Group has indicated that a larger area for sustainable drainage systems will be required than is currently shown on the Council's masterplan. The provision of a greater area of green infrastructure within the site would allow for a greater volume of surface water storage.

Capacity

- 2.13 Depending on the masterplanning approach taken to Axehayes Farm, the site could accommodate between 395 homes on 9.41ha of land and 1,090 homes on 25.93ha of land. The lower quantum of housing results from the site accommodating the majority of the education campus. The upper end of the site's capacity results from the use of the same development parcels shown for Axehayes Farm within the Council's masterplan, but re-purposing the land identified for the education campus to residential development (albeit with a greater volume of surface water storage than is shown on the Council's masterplan).

DELIVERY

- 2.14 The Local Planning Authority are aware of the significant technical work that has been prepared on behalf of the Cherwell Group (and the wider landholder interest group).
- 2.15 Whilst the Cherwell Group are a developer of homes themselves, they intend that Axehayes Farm will be delivered with a development partner. Discussions with their preferred development partner, who has significant experience in delivering large-scale strategic developments, either independently, or as part of a wider consortium, are at advanced stages. It is hoped that the Cherwell Group will be able to confirm the identity of their development partner to the Local Planning Authority prior to the Plan's examination.
- 2.16 Mindful of the envisaged first occupations from Marlcombe³, the Cherwell Group and their development partner are committed to refining their development proposals for Axehayes Farm over the course of 2026, in partnership with the landholder interest group.

³ Appendix 3 of Document HOU-001(rev).

INFRASTRUCTURE

- 2.17 Where new or improved infrastructure is identified as being necessary to make the Cherwell Group's proposed development acceptable and the mitigation is provided by a third-party, the Cherwell Group will provide proportionate developer contributions to ensure their delivery. This is a commitment shared by the wider landholder interest group. All parties are committed to exploring options with the Local Planning Authority about how the costs of necessary infrastructure could be equalised on a proportionate basis.

3 The policy context

- 3.1 The following section of this representation provides a summary of the policy context that will inform the emerging East Devon Local Plan.

NATIONAL PLANNING POLICY TRANSITIONAL ARRANGEMENTS

- 3.2 As set out in para. 3.11 of the Regulation 19 consultation, the Local Authority contests that by employing a housing requirement that is above 80% of the objectively assessed need for housing derived from the latest standard method calculation, they benefit from the transitional arrangements provided at Annex 1 of the 2024 version of the NPPF. Consequently, they consider that the emerging Local Plan will be examined against the 2023 version of the NPPF, and not the current version.

NATIONAL PLANNING POLICY

- 3.3 The NPPF (2023) establishes the Government's planning policies for England and how they are to be applied. It provides a framework within which locally prepared plans can provide sufficient housing and other forms of development in a sustainable manner (para. 1).
- 3.4 Para. 15 confirms that the planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area, a framework for meeting housing needs and addressing other economic, social and environmental priorities and be a platform for local people to shape their surroundings.
- 3.5 Plans should: be prepared with the objective of contributing to sustainable development; be positively prepared, but deliverable; shaped by effective engagement; contain policies that are clearly written and unambiguous; be accessible through the use of digital tools; and serve a clear purpose, avoiding unnecessary duplication (para. 16).
- 3.6 Development plans must include strategic policies to address an area's priorities for development and the use of land (para. 17). Strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision for, amongst other things, homes (including affordable housing), employment, retail, leisure and other commercial development; infrastructure; community facilities and the conservation and enhancement of the natural, built and historic environment and measures to address climate change mitigation and adaptation (para. 20).
- 3.7 Strategic policies should look ahead over a minimum 15 year period from adoption to anticipate and respond to long-term requirements and opportunities. Where large scale developments such as new 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 account of the likely timeframe for delivery (para. 22). Strategic policies should provide a clear strategy for bringing land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning and allocating sufficient sites to deliver the strategic priorities of the area (para. 23).
- 3.8 Para. 11 states that plans and decisions should apply a presumption in favour of sustainable development. For plan making this means promoting a sustainable pattern of development that seeks to: (1) meet the development needs of the area; (2) align growth and infrastructure; (3) improve the environment; and (4) mitigate climate change and adapt to its effects. As a minimum, strategic policies should provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

- the application of policies in the NPPF that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 3.9 Para. 24 confirms that local planning authorities and County Councils have a duty to cooperate with each other and with other prescribed bodies, on strategic matters that cross administrative boundaries. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy (para. 26).
- 3.10 The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate (para. 31). Local plans should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements. It should demonstrate how the plan addresses economic, social and environmental objectives. Significant adverse impacts should be avoided. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (para. 32).
- 3.11 Local plans will be examined to assess whether they have been prepared in accordance with legal and procedural requirements and whether they are sound (para. 35). Plans are sound if they are:
- positively prepared – provide a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs and is informed by agreements with other authorities, so that unmet need from a neighbouring area is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - justified – an appropriate strategy, taking into account reasonable alternatives and based on proportionate evidence;
 - effective – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - consistent with national planning policy – enabling the delivery of sustainable development in accordance with the policies in the NPPF and other statements of national planning policy, where relevant.

Housing

- 3.12 Para. 60 confirms that in order to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed. The overall aim should be to meet an area’s identified housing need, including with an appropriate mix of housing types for the local community.
- 3.13 To determine the minimum number of homes needed, strategic policies should be informed by a local housing needs assessment, conducted using the standard method. The outcome of the standard method is an advisory starting point for establishing a housing requirement for an area. There may be exceptional circumstances which justify an alternative approach to assessing housing need. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account (para 61).
- 3.14 Strategic policy making authorities should establish a housing requirement for their whole area which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. The requirement may be higher than the identified housing need (para. 67).
- 3.15 Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning

policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

- specific, deliverable sites for five years following the intended date of adoption; and
- specific, developable sites or broad locations for growth for the subsequent years 6 to 10 and, where possible, for years 11-15 of the remaining plan period (para. 69).

3.16 Para. 74 confirms that the supply of large numbers of new homes can often be best achieved by planning for larger scale development, such as new settlements, provided they are well located and designed, and are supported by the necessary infrastructure and facilities. When planning for such developments, strategic plan making authorities should:

- consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for environmental gains;
- ensure that their size and location will support a sustainable community;
- set clear expectations about the quality of the places to be created and how this can be maintained;
- ensure that appropriate tools, such as design codes and masterplans are used to secure well-designed development that meets the needs of the community;
- make realistic assessments of the likely rates of delivery, given the lead-in times for large scale sites; and
- consider whether to establish a Green Belt around or adjoining such development.

3.17 Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period (para. 75).

CURRENT EAST DEVON LOCAL PLAN

3.18 The current East Devon Local Plan, which covers the period 2013 to 2031, was adopted in January 2016.

3.19 Whilst land along the A3052 corridor was not allocated for development at that time, its development potential was considered. At para. 7.19 of the Local Plan, the characteristics of this corridor are described. It is noted that the A3052 runs from Junction 30 of the M5 motorway eastwards into East Devon. The Local Plan identifies that there are a number of employment sites along this corridor, as well as housing and leisure uses.

3.20 At para. 7.20 of the Adopted Local Plan, the Local Planning Authority confirm that they had, during the Local Plan formation *“looked at potential for further growth on this corridor, including the possibility of a second new town...”*

3.21 It was concluded that at that time any development along that corridor would require infrastructure improvements, particularly in relation to transport and highways. Concerns were raised regarding the viability of a development along the A3052 at that time, particularly given the necessary package of infrastructure works that would have been required to support the development. There were also proposals in other parts of the western portion of East Devon, including Cranbrook, Skypark, Redhayes and the Science Park that were considered to be more viable propositions. As such significant new development along the A3052 corridor was not proposed, although there was an acknowledgement that the Local Planning Authority would *“keep land supply and demand issues under consideration”* and would *“review the provision in the years to come.”*

3.22 That conclusion now, as the Local Planning Authority are proposing, needs to be reviewed in the context of the latest objectively assessed levels of housing and other uses and the development opportunities within the District.

SUMMARY

- 3.23 As indicated at para. 2 of the NPPF, the Local Planning Authority must, when preparing the emerging Local Plan, take the content of the NPPF into account. The existing Development Plan also provides important context that is material to the formation of the emerging Local Plan.

4 The spatial strategy (Strategic Policy SP01) and the distribution of development – Support

- 4.1 The following section of this representation considers the proposed spatial strategy and the distribution of development proposed within the consultation version of the Local Plan. Each topic is considered in turn below.

THE SPATIAL STRATEGY

- 4.2 The Local Plan Review's proposed spatial strategy is set out within Strategic Policy SP01 and its supporting text. The strategy seeks to direct new development to the most sustainable locations within the District. The Policy indicates that development will be focused at the West End of the District in the first instance, including a further new community, on-going development at Cranbrook and other strategic development close to Exeter. Significant development is then planned at the Principal Centre of Exmouth and the five other Main Centres, with development that meets local needs being supported at five Local Centres. Limited development is proposed at 23 Service Villages.
- 4.3 A strategy that seeks to focus strategic development in East Devon's West End in the first instance, represents a continuation of the spatial strategy used in the 2016 Local Plan. It responds to the District's constraints and opportunities and those found within neighbouring areas.
- 4.4 In terms of constraints, there are three National Landscapes that are located within East Devon (the East Devon National Landscape, the Blackdown Hills National Landscape and a small extent of the Dorset National Landscape), which cover approximately two-thirds of the District. The designations cover most of the southern, south eastern, eastern and northern areas of East Devon.
- 4.5 Given the availability of land to accommodate housing outside of these designations and in other areas of the District, major development within the three National Landscapes is likely to conflict with national planning policy⁴.
- 4.6 In terms of opportunities, the central and western areas of the District are also located in close proximity to the city of Exeter. A strategy which focuses growth in the western area of East Devon therefore ensures that new homes are provided in close proximity to the services, facilities, employment opportunities and infrastructure provided within Exeter city centre and those found within its more peripheral locations close to East Devon, including Sowton Industrial Estate. As this strategy has been one that has been employed within East Devon for a number of years, there are a number of strategic developments in the western portion of East Devon that now supplement the services, facilities, employment opportunities and infrastructure found within Exeter.
- 4.7 Given the above, the proposed spatial strategy will ensure that homes are provided closest to where most jobs are likely to arise, where there is the greatest potential to secure increased active and sustainable transport investment and usage, and where there exists the greatest range of services and facilities. Given these characteristics, it will result in a pattern of development which limits the need to travel and provides for a genuine choice of transport modes. In turn, this will help to reduce greenhouse gas emissions and improve air quality and public health.

⁴ Para. 182 of the NPPF.

- 4.8 A concentration of development within the West End of East Devon also responds to market demand; there remains strong developer and market interest for residential development in the western portion of East Devon.
- 4.9 As stated above, the proposed spatial strategy is a continuation of the spatial strategy contained within the 2016 Local Plan. It was subject of Independent Examination in 2014 and 2015⁵ and was found to be a sound proposition. It is based on the principles of sustainable development, including those contained within the NPPF (including the then paras. 14 and 30).
- 4.10 It follows that the spatial strategy is strongly supported by the Cherwell Group.

Evidence base

- 4.11 The proposed spatial strategy also provides a suitable response to addressing climate change. Research undertaken by the University of Exeter (Document CCF-012) has demonstrated that *“location is the single most important factor in determining potential emissions arising from new development.”*
- 4.12 The work concluded that in general terms, transport related emissions were lower when development was located closer to existing major urban areas. Indeed, the work indicated that the location of development and the range of sustainable transport options available to residents would, on average, result in a greater carbon emission reduction than requiring all new dwellings to be constructed to ‘zero carbon’ for regulated emissions.
- 4.13 Consequently, a strategy that focuses development in the western portion of the District, in close proximity to Exeter City and existing developments on the western edge of East Devon, will, with additional sustainable transport measures, result in lower carbon emissions than alternative strategies. It also provides a strong fit with Objective 2 of the Plan (Tackling the climate emergency).

Sustainability Appraisal

- 4.14 As indicated above, the proposed spatial strategy seeks, in general terms, to continue to follow that set out in the adopted Local Plan, which itself was prepared in the context of the 2012 version of the NPPF. Consequently, at Examination, it would have been necessary for the Local Planning Authority to demonstrate that it was *“the most appropriate strategy, when considered against reasonable alternatives...”*⁶
- 4.15 It follows that unless there has been a material change in circumstance since the Inspector’s Report was published in January 2016, the proposed spatial strategy should again be considered as being appropriate (noting that for the emerging Plan to be *justified* and therefore a sound proposition, the 2023 version of the NPPF only requires the Local Plan to promote *“an appropriate strategy,”* rather than *“the most appropriate strategy”* in the 2012 version of the NPPF).
- 4.16 The Cherwell Group is not aware of any material considerations that would suggest that a more appropriate spatial strategy should be adopted.
- 4.17 Indeed, the Sustainability Appraisal (Document CSD-003(rev)) published alongside the consultation version of the Local Plan continues to suggest that the proposed spatial strategy is preferred as it:
- “...promotes development at existing settlements where there is a range of jobs, services, and facilities; whilst also focussing development where there is good connectivity in close proximity to a much wider range of jobs, services, and facilities in the West End and Exeter. The scale of*

⁵ Please refer to para. 22 of the Inspector’s Report, January 2016.

⁶ Para. 182 of the 2012 version of the NPPF

development proposed in the new town offers the greatest potential for a mix of uses, reducing the need to travel and providing opportunities sustainable travel links, which provides better accessibility and reduced carbon emissions (sic)."

THE DISTRIBUTION OF DEVELOPMENT

The West End

- 4.18 As set out above, the emerging Plan's spatial strategy seeks a continuation of the spatial strategy adopted in the 2016 Local Plan, which, in the first instance, focused development within East Devon's West End. For the reasons set out above, this strategy continues to be appropriate.
- 4.19 Excluding windfall provision, Strategy 2 of the adopted East Devon Local Plan seeks to focus 10,563 dwellings out of the 16,393 dwellings planned for, in the West End. This equates to approximately 64% of the planned provision.
- 4.20 The Regulation 19 Local Plan Sustainability Appraisal (CSD-003(rev)) confirms that the preferred option for the distribution of development is Option E, which, whilst continuing to focus development within the West End, would do so at a reduced level of 55% (11,600 dwellings).
- 4.21 Whilst the current Local Plan sought to focus nearly two-thirds of provision within the West End, this level of provision has not materialised. Table 3 of the Council's latest Housing Monitoring Update (Document HOU-004(rev)c) confirms that 5,325 homes have been constructed in the West End in the period April 2013 to March 2025. This represents a shortfall of around 1,719 homes against the annualised requirement for the West End of 587 homes per annum. Over that same period, just under 50% of the District's total housing completions have occurred within the West End.
- 4.22 Moreover, the Monitoring Report forecasts again that there will be a shortfall in delivery within the West End against the distribution set out in Strategy 2 of the adopted Local Plan by the end of the plan period. Around 43% of forecast completions are to occur in the West End (6,742 dwellings are forecast to be completed in the West End, against total forecast completions of 15,667 homes). Whilst, *prima facie*, it could be argued that a lower housing apportionment should be afforded to the West End, it is noted that only around 25% of the overall anticipated delivery from the Cranbrook Expansion Areas is forecast to occur by the end of the plan period. Consequently, the majority of delivery from the Expansion Areas is likely to occur outside the plan period. The Local Planning Authority attributes the shortfall in the West End to the delay in the adoption of the Cranbrook Plan.
- 4.23 However, it does suggest that the Local Planning Authority is correct to place less reliance on the West End in meeting objectively assessed needs, for such a focus is unlikely to be *deliverable* or *effective*. Consequently, there is a need, in order for the Plan to be both *deliverable* and *effective*, for a reduced focus within the West End, but to a level that does not undermine the achievement of the benefits of adopting such a strategy, as set out in the Sustainability Appraisal. The preferred distribution of development as set out in the Sustainability Appraisal strikes this appropriate balance.
- 4.24 Across the plan period, it would result in an average annual delivery rate for the West End of 527 homes, which is a rate of delivery that has been achieved in the West End before, suggesting that it is both a *deliverable* and an *effective* proposition.

5 Housing supply – General comment

5.1 The following section provides a broad assessment of the proposed housing land supply contained within the emerging Local Plan. It specifically concerns lead-in times associated with the Marlcombe new community.

LEAD-IN TIMES ASSOCIATED WITH THE MARLCOMBE NEW COMMUNITY

- 5.2 In order to meet the proposed housing requirement, the Local Planning Authority have rightfully identified the need for strategic housing allocations. Housing monitoring information confirms that strategic allocations have provided a valuable and consistent component of supply and will continue to do so (Document HOU-004(rev)c).
- 5.3 Over the period 2013/14 to 2024/25, the strategic allocations located within the West End contributed just under 50% of total housing completions (5,325 homes out of 10,702 net total completions), with Cranbrook alone contributing approximately 29% of supply over that period. Moreover, Table 14 of the latest Housing Monitoring Update⁸ demonstrates that the expansion areas at Cranbrook will provide a further valuable source of housing over the period 2026/27 to 2030/31, whilst Document HOU-004(rev)d confirms delivery at Cranbrook will continue in the period beyond 2030/31.
- 5.4 Notwithstanding the above, so as to ensure that the housing requirement is deliverable over the plan period, which in turn ensures that the emerging Local Plan is *effective* and *consistent with national policy*, there is a need that the components of housing supply will deliver as anticipated by the Plan.
- 5.5 As the largest allocation proposed within the emerging Local Plan, the delivery assumptions for the second new community should be carefully considered. Para. 74(d) of the 2023 version of the NPPF confirms that when planning for largescale development, such as a new community, Local Planning Authorities should, amongst other things, make a realistic assessment of the likely rates of delivery, given their lead-in times, and identify opportunities for supporting their rapid implementation.
- 5.6 As with any strategic site, it is likely that it will take a number of years to achieve first completions, with ordinarily, the following stages being required:
- the pre-application advice process;
 - the submission and determination of an outline planning application (resolution to grant);
 - the completion of the Section 106 Legal Agreement;
 - site acquisition;
 - preparation of pre-reserved matters applications, such as a design code;
 - preparation of (a) reserved matters application(s);
 - submission and determination of (a) reserved matters application(s);
 - submission and discharge of any pre-commencement and pre-occupation planning conditions and obligations;
 - site clearance/infrastructure servicing; and

⁸ HOU-004(rev)c.

- first legal completions.

- 5.7 Research undertaken by Lichfields⁹ indicates that the median timeframe for an application of over 2,000 homes to be validated to the first detailed permission (which could be either an outline and a reserved matters application, or hybrid/full application) is 5.1 years. Whilst it is acknowledged that the new community is likely, given land ownerships, to be brought forward via multiple applications pursuant to a site wide masterplan, which could seek permission for a smaller quantum of development on an individual basis, it provides a conservative, yet realistic timeframe for a development of the comprehensive scale being proposed. Lichfields then conclude that sites of over 2,000 dwellings will take 1.6 years to move from the first planning permission to first completions. Consequently, they predict that for a site of the scale of the proposed new community, the overall lead-in time to first completions is 6.7 years.
- 5.8 At a local level, the most obvious comparisons are the Expansion Areas at the Cranbrook new community. An application by a national housebuilder on the Cobdens Expansion Area was submitted at the end of March 2022 (ref: 22/0406/MOUT). East Devon District Council resolved to grant approval on the Expansion Area in April 2023 (as amended by a second resolution in December 2023) and outline planning permission was approved in April 2024. Consequently, planning permission was achieved in just over two years. The Council's latest housing Monitoring Report confirms that first completions from the Expansion Area are forecast in monitoring year 2026/27, with a reserved matters application already having been submitted for over 300 homes (ref: 25/1692/MRES). This analysis suggests that it will take under five years from submission of the outline planning application to first completions at the Cobdens Expansion Area. Consequently, there exists, particularly where the first application is made by a national housebuilder, the potential to accelerate delivery from the new community beyond that advocated by Lichfields.

Build out rates

- 5.9 Lichfields' analysis confirms that for developments of 2,000 dwellings or more, the average annual completion rate ranges from 100 to 188 dwellings per annum. They do, however, identify three sites where the annual average build-out rate was in excess of 200 dwellings per annum. Again, looking more locally, over the period 2012/13 to 2023/24, a total of 3,063 homes were constructed at Cranbrook¹⁰, which provides an annual average completion rate of 255 homes. Delivery peaked in 2013/14 at just under 420 completions. This average rate of delivery was also achieved whilst other developments in close proximity to Cranbrook and within the West End were also delivering, including Redhayes (Tithebarn Green/Mosshayne) and Pinhoe, which could have impacted on the 'absorption rate.' Again, it indicates that, historically, annual average delivery rates greater than Lichfields analysis have recently been achieved within the West End.
- 5.10 It is acknowledged that the rates of delivery from Cranbrook were achieved in differing economic circumstances, but equally delivery from the new community is envisaged over the medium and longer terms and therefore over a full economic cycle.
- 5.11 Moreover, Table 12 of Document HOU-004(rev)c also envisages an annual average delivery rate of 291 homes per annum from the Cranbrook Expansion Areas over the period 2026/27 to 2030/31. Excluding the first year of completions, which are ordinarily lower, annual average delivery rates are anticipated to be just under 350 homes per annum.

⁹ Lichfields, 'Start to Finish,' March 2024.

¹⁰ Document HOU-001, Appendix 2.

SYNTHESIS

Lead-in times

- 5.12 The analysis undertaken by Lichfields suggests that it will take 6.7 years from the submission of a valid planning application to first legal completions. More locally, the Cobdens Expansion Area is forecast to come forward within five monitoring years from the submission of the first planning application.
- 5.13 Based on more locally specific examples, and an assumption that at least one planning application on the new community would be submitted by the time of the Local Plan Examination in Public, a realistic lead-in time until first legal completions is set out in Table 1 below.

TABLE 1: LEAD-IN TIME FOR THE NEW COMMUNITY

	LOCAL PLAN PREPARATION	PRE-APP PROCESS	SUBMISSION TO DETERMINATION	RESERVED MATTERS AND CONDITIONS	SITE CLEARANCE AND INFRASTRUCTURE	FIRST COMPLETIONS
2020/21						
2021/22	●					
2022/23	●					
2023/24	●					
2024/25	●					
2025/26		●				
2026/27		●	●			
2027/28	●		●			
2028/29			●	●		
2029/30				●	●	
2030/31					●	
2031/32						●

- 5.14 On the basis of the lead-in times outlined above, this would leave 11 monitoring years for the 3,300 homes envisaged by Strategic Policy WS01 to be delivered by 2042. This equates to an annual average delivery rate of 300 homes per annum. Whilst this represents an increase in the long-term historic delivery rates at Cranbrook, it is a long-term rate of delivery that has been achieved across

the West End as a whole (444 homes per annum since 2013/14) and it accords with the rate of delivery forecast from the Cranbrook Expansion Areas for the period 2026/27 to 2031/32. Accordingly, it is considered that the planned provision proposed for the second new community is *aspirational*, but a *deliverable* proposition. Therefore, the quantum of development proposed for the second new community over the plan period (3,300 homes) will be *effective*.

- 5.15 However, the historic rates of delivery within the West End and Cranbrook were only achieved because multiple outlets were all delivering homes at the same time. To achieve the rates of delivery anticipated for the second new community, there will again be the need for multiple outlets delivering at least from both the north and the south simultaneously, potentially providing a variety of products. This is anticipated in Document NWC-003¹¹.
- 5.16 The achievement of this trajectory for the new community will be dependent on the submission of (a) planning application(s) in monitoring year 2026/27. Any delay in the determination of any planning application, including in relation to the notion of the establishment of a development corporation, for compulsory purchasing land within Marcombe or the production of a subsequent development plan document and/or a supplementary planning document (SPD), would risk the delivery of the full 3,300 homes coming forward over the plan period. The Cherwell Group note the requirements of para. 74(d) of the NPPF, which suggests that the Local Planning Authority should be identifying opportunities for rapid implementation.
- 5.17 Noting the current five-year housing land supply issues within East Devon over the recent past, the delivery of the Marcombe new community, could, once delivery is underway, help smooth out future delivery dips and prevent reliance on windfall sites and/or speculative planning applications.

¹¹ Para. 2.11.12.

6 Strategic Policy WS01 – The Marlcombe new community – Modifications required

- 6.1 Consistent with the Plan's spatial strategy, which has been demonstrated to be the most appropriate, Strategic Policy WS01 proposes the allocation of the second new community. Following an assessment of three potential options through both a discrete technical assessment and via the Sustainability Appraisal, the Regulation 19 Plan continues to identify land to the north of the A3052, east of the M5 and to the south of the A30 as being the preferred location for the second new community, known as Marlcombe.
- 6.2 The Cherwell Group strongly supports the Local Planning Authority's assessment that a second new community is required in order to meet the housing requirement and agree with its proposed location. Indeed, the merits of the location for Marlcombe have recently been acknowledged by the New Towns Taskforce, in their report to Government¹². The site was recommended as one of the 12 locations that are taken forward by Government for New Towns. Therein, the Taskforce concluded that:
- "...the proposed new town in East Devon provides an excellent opportunity to capitalise on the economic strengths of the region, whilst further bolstering the local labour market and sustaining the growth momentum demonstrated over the past decade¹³."*
- 6.3 Moreover, as set out in Section 9, the Cherwell Group's own analysis of potential locations for the second new community would suggest that the Local Planning Authority's own assessment work underplays the scoring for the proposed location for the new community. However, their concerns only strengthen the conclusions presented within the Local Planning Authority's assessment work; that Option 1 is the most sustainable option and has rightfully been taken forward.
- 6.4 The new community will, on completion, provide a minimum of 10,000 homes and employment land, as well as social, community and other forms of infrastructure. Given its scale, the Local Planning Authority have predicted that it will not be completed until post 2042. It will therefore have a long-term role in meeting the District's development needs over successive plan periods.
- 6.5 In this context, the role of Strategic Policy WS01 is to provide a clear and unambiguous policy framework for the forms of development that are to come forward and at what points, at the new community. This will ensure that it is *effective*. The need for a clear and unambiguous policy framework is important, particularly as first completions are envisaged soon after the adoption of the Local Plan.
- 6.6 The Cherwell Group's comments on Strategic Policy WS01 are provided below. They do, however, note that a complete understanding of the costs of all planning obligations identified as being necessary to support the Marlcombe new community has not, at the time of writing, been finalised by the Local Planning Authority. As a consequence, no assessment of viability has been undertaken either. The Cherwell Group's comments on emerging Strategic Policy WS01 therefore do not consider, at this stage, the impacts of the obligations package on the development's *effectiveness*. They understand that this work is currently being prepared and they reserve the right to comment on it in due course. As confirmed in Section 8, they are willing to work with the Local Planning Authority to help to finalise the viability work (which will include a full understanding of the costs of infrastructure), between now and the submission of the Local Plan, and if needs be, during the

¹² 28th September 2025.

¹³ Page 51.

Examination in Public. There will inevitably be a need, so as to ensure that the proposed Policy is *effective*, for realistic viability assumptions to be adopted.

Landholder group

- 6.7 As set out within Document NWC-002, the majority of the proposed new community is within the control of five willing developers/landowners. The majority of these landowners have been working collaboratively together to further the development proposals for the Marlcombe new community. The group includes one of the UK's major national housebuilders (Bloor Homes), a developer/land promoter (the Cherwell Group), a land promoter (LVA) and a major owner and operator of employment space and energy infrastructure within East Devon (the Stewart Partners). They are highly experienced developers of strategic sites, including within East Devon.
- 6.8 Their combined experience places the landholder group in a strong position to be able to help the Council realise their vision for Marlcombe, including in relation to the delivery of employment land and housing (including affordable homes), as well as necessary infrastructure.
- 6.9 The landowners acknowledge and support the Council's ambitions and share their objectives for the delivery of what will be the second new community in East Devon. In that regard, the landowner group have welcomed the ongoing discussion and collaborative working with the Local Planning Authority. This has included a series of meetings and workshops that have now been expanded to include key statutory consultees. The sessions to date have focused on issues including the proposed design, highways matters, the delivery model and viability. The work has allowed the formation of a Heads of Terms document, which secures a commitment to continue to work together over the medium-term.
- 6.10 As well as the meetings and workshops with the Council, the landholder group also meets regularly. As the Council are aware, they have commissioned joint work, including in relation to the feasibility and deliverability of infrastructure necessary to support the new community (the education campus and the primary route). In the spirit of collaboration, this joint work has been shared with the Local Planning Authority and their consultant team. Further joint work is proposed, in order to, in accordance with the proposed policy framework, support the phased, coordinated and comprehensive delivery of the new community. The landholders also recognise and support the principle of equalising infrastructure costs across the development area in a fair and proportionate manner. They are in the process of formulating a formal collaboration agreement.

STRATEGIC POLICY WS01

Principle of the allocation

- 6.11 As set out above, the evidential basis for strategic development to be located along the A3052/A30 corridor is well established. For instance, consideration was given to allocating land in this location during the formation of the 2016 Local Plan, whilst the evidence base underpinning the emerging Local Plan strongly supports the location of the proposed new community and confirms that it will help address the District's strategic development requirements, over the longer-term, including beyond the proposed Plan period. These credentials have recently been acknowledged by the New Town's Taskforce. Planning for a new community also receives national planning policy support¹⁴. The planning judgements exercised in considering the need for a new town, its location and scale are therefore soundly made.

¹⁴ NPPF, para. 22 and 74.

6.12 It follows that, subject to the suggested changes set out below, the Cherwell Group strongly supports the principle of a new town at Marlcombe.

Length of the policy

6.13 The Cherwell Group note that the proposed policy is unusually long, spanning some seven and a half pages (excluding the new community's vision and the associated supporting text).

6.14 It is understood that the delivery of a new community necessitates a policy response that will cover numerous matters. However, the Planning Practice Guidance (PPG) confirms that whilst there is a need to provide sufficient detail within a policy to provide clarity to developers, there is also a need for plans to be focused, concise and accessible¹⁵.

6.15 There is, however, a concern that given the length of the Policy, it is not, in the context of para. 16 of the NPPF, *clearly written*. This could undermine its role in providing an effective framework for considering future planning applications. There may be an opportunity to rationalise the emerging Policy, by including some of the proposed wording in the Policy's supporting text.

6.16 Moreover, there are also elements of the Policy that *duplicate policies* that are set out elsewhere within the Plan and even, in some instances, within the Policy itself. This includes in relation to affordable housing and the mix of housing, which are covered by other emerging Development Plan policies (Policies HN02, HN03, HN04 and HN05), whilst matters relating to the education campus are referenced twice within emerging Strategic Policy WS01. They do not need to be repeated within Strategic Policy WS01, as there is a requirement to read the Plan as a whole.

6.17 A modification to the Policy to create a sharper and more focused policy framework, which only concerns the key policy requirements of the new community and how they are to be delivered, with all other elements being included in other development management policies and/or the Policy's supporting text, would aid clarity and reduce ambiguity, thereby improving its *effectiveness*.

Infrastructure planning

6.18 The first section of Strategic Policy WS01 confirms that Marlcombe will, on completion, accommodate *inter alia*, "at least" 10,000 new homes. Land is allocated in the emerging Plan to accommodate "at least" 8,000 new homes and associated land uses. Whilst the emerging Plan only allocates a sufficient quantum of land to accommodate 8,000 new homes:

"...all planning and infrastructure capacity and needs work for the new community should take into account accommodating greater levels of development, to accommodate at least 10,000 new homes and associated development" (our emphasis).

6.19 As such, whilst it is confirmed that on completion, Marlcombe will be a minimum of 10,000 new homes, it would appear that a greater quantum of development could be supported. With the ultimate size of the new community currently being unknown, it makes it extremely challenging for the infrastructure needs of the final size of Marlcombe to be planned for at this stage.

6.20 In addition, and as outlined below, there are elements of the Policy that calculate infrastructure needs on the basis of 8,000 homes, rather than the ultimate size of the New Town. It is therefore not evident, in terms of these items of infrastructure, as to how a decision-maker should react to a

¹⁵ MHCLG, Planning Practice Guidance, Plan Making, Paragraph: 002 Reference ID: 61-002-20190315.

development proposal; should, at this stage, they be sized to accommodate 8,000 homes, 10,000 homes, or a greater quantum?

6.21 Therefore, to ensure that the policy is *clearly written and unambiguous* and therefore *consistent with national planning policy*, there is a need for this element of Strategic Policy WS01 to be reworded to either:

- confirm that the planning and infrastructure work prepared in support of a planning application should only assess the impact of the 8,000 homes allocated in the emerging Plan; or
- be more precise and unambiguous about the quantum of residential development that needs to be assessed and planned for; or
- confirm which elements of infrastructure that are to come forward in the emerging Local Plan's allocated land, should be sized to accommodate the ultimate size of the Community (such as the education campus) and which, in the land allocated in the emerging Local Plan, should meet the needs of only the homes allocated within the emerging Local Plan (e.g. SANGS, public open space, primary school provision).

The indicative nature of the Council's masterplan

6.22 Noting the Cherwell Group's concerns with the Council's masterplan as set out in Section 2, they strongly support the amended wording provided in Strategic Policy WS01 that now requires development at Marlcombe to occur and proceed "*broadly in accordance with the masterplan*" shown at Figure 7 of the emerging Plan.

6.23 Understandably, the masterplan prepared by the Local Planning Authority will not have been underpinned by the necessary evidence that will be required in support of a principal permission. The welcome flexibility provided by the term 'broadly in accordance with' allows for additional and more detailed evidence to be properly reflected in robust masterplans that would still ensure that the outcomes of the Policy are delivered as intended.

6.24 At this stage, the Council's masterplan should be treated as being one possible way to achieve the envisaged policy outcomes for Marlcombe, but importantly, not the only one. In that regard, it may be more effective for the Policy to confirm that there is only a need to accord with the principles of the Council's masterplan.

Suggested change

*"Development will need to occur and proceed broadly in accordance with the **principles of the masterplan** shown below..."*

PHASING

6.25 The Cherwell Group support the need for the development to come forward on a phased basis and note the requirement for an allocation wide phasing strategy. This should be prepared in collaboration with the developers/landowner group, who will ultimately be responsible for the delivery of the New Town and effectively for ensuring that the envisaged rates of delivery for the new community, and therefore the Policy as a whole, is/are *effective*.

New homes

Quantum of housing

6.26 The emerging Local Plan proposes that around 3,300 new homes will be brought forward on land allocated within the proposed new community in the period up to 2042, with a further 4,700 new homes to follow in the period after 2042. The Local Planning Authority also proposes to increase the size of the new community by at least 2,000 homes, to 10,000 homes, over the longer term. This is strongly supported by the Cherwell Group.

- 6.27 The site is proposed to have a pivotal role in meeting the housing requirement in the Local Plan, with the 3,300 homes proposed accounting for just around one in six homes that are to be constructed in the District over the Plan period.
- 6.28 As set out in Section 6, in the period up to 2042, in order for the housing provision envisaged from Marlcombe to be delivered in full, there is likely to be the need to adopt an average annual rate of delivery of around 300 homes per annum. It has been demonstrated earlier that whilst this rate of delivery is *aspirational*, it is *deliverable* and therefore *effective*.
- 6.29 In order to achieve the required annual average rate of delivery from the new community, it is highly likely that multiple development locations, each delivering housing at the same time, will be required. This will require development to occur from at least the north and south development nodes. With each development node having multiple outlets, it is likely that the rate of delivery could be achieved. In this regard it is noted that the HELAA methodology states that sites of this scale (or in this case nodes given the geographical area of the new community) could deliver 150 homes per annum.
- 6.30 Moreover, in order to ensure that the required rates of delivery are achievable and the Policy is *effective*, there will be a need for technical and design work to occur, and planning applications to be submitted, alongside the preparation of the Local Plan.
- 6.31 In addition, whilst the Cherwell Group are aware of the Council's laudable ambitions to establish a Development Corporation, it should not, given the Plan's trajectory expectations, delay the determination of any planning applications. Similarly, any delays in determining (the) principal application(s) on the Marlcombe new community, including in relation to the compulsory purchase of land or the production of subsequent development plan documents and/or supplementary planning documents, will risk the achievement of the ambitious quantum of housing envisaged from Marlcombe by the end of the plan period. In accordance with para. 74(d) of the NPPF, the Local Planning Authority should be seeking opportunities to seek its rapid implementation.

Limb A - affordable housing

Policies WS01 and HN02

- 6.32 The Cherwell Group note that emerging Strategic Policy WS01 requires affordable housing provision to be delivered at Marlcombe in accordance with Strategic Policy HN02, with an aspirational target of 40% on-site provision, subject to viability. Unlike Strategic Policy HN02, no reference is made in Strategic Policy WS01 to the 40% level of affordable housing being subject to grant funding. Consequently, there is a disconnect between both policies.
- 6.33 Reflecting on the Cherwell Group's comments on the length of Strategic Policy WS01 and the potential for policy duplication across the emerging Local Plan, the quantum of affordable housing referred to in Strategic Policy WS01 would be a clear example of a matter which is covered by another Policy in the emerging Plan (HN02). Consequently, reference to the quantum of affordable housing within Strategic Policy WS01 could be removed and reliance only placed on Strategic Policy HN02.

Aspiration

- 6.34 It is noted that Strategic Policy WS01 confirms that there is an "*aspiration*" of 40% affordable housing to be provided on-site, subject to viability. The use of the term aspiration is not, in the terms of para. 16(d) of the NPPF, *clearly written* and *unambiguous*, for it does not confirm the precise quantum of affordable housing that is required. It also does not accord with the requirements of para. 58 of the NPPF.
- 6.35 Moreover, whilst work on a bespoke viability assessment is currently being undertaken by the Local Planning Authority, the work undertaken by Chesters Harcourt, which is provided at Appendix 3, suggests that the evidence underpinning the emerging Local Plan and recent assessments of

viability on strategic sites within East Devon would already suggest that without public subsidy, the 40% provision would not be an *effective* proposition. Specifically:

- the Three Dragons Assessment (Document CSD-004 and 004a) sets the aspiration for affordable housing within the rest of East Devon at only 35%, even without the expectation for the level of social and community infrastructure listed within Strategic Policy WS01;
- the Committee Report prepared for the 30th September 2025 Strategic Planning Committee meeting confirms that grant funding would be required to achieve the aspirational level of 40%. It also reaches this conclusion based on the viability work undertaken to date, which as indicated in Document NWC-005 adopted levels of affordable housing of 20% and 35%. The wording implies that one or both of these levels of affordable housing provision were also unviable; and
- the recently adopted Cranbrook Plan set, after considerable debate at the Examination in Public, an affordable housing requirement of 15%.

6.36 As set out in paras. 34 and 58 of the NPPF, the quantum of affordable housing to be provided will need to have regard to the costs of other infrastructure (which should be obtained from a fully costed Infrastructure Delivery Plan (IDP)), as well as any Community Infrastructure Levy charges. This should be undertaken at the plan-making stage and should reflect the approach in national planning guidance, using standardised inputs. It is the Cherwell Group's view that this should be undertaken without any assumptions relating to public subsidy.

6.37 Such an approach would allow a full appreciation of the quantum of public subsidy required to meet the aspirational target. In that regard, it would be a more *justified* and *effective* strategy for the emerging Policy to provide information about the minimum quantum of affordable housing that is to be viably required from the new community (the baseline provision), and then require developers to seek public subsidy up to the aspirational level of 40% (possibly more). This would also provide a better fit with national planning policy.

6.38 It would also have additional benefits, including:

- it would allow a more precise assessment of levels of affordable housing to be delivered from the emerging Local Plan and not place any dependence on public subsidy, which may not materialise. This will be an important consideration, given the length of time that the development will take. In doing so, it would provide a greater opportunity for an assessment to be undertaken with certainty that the Local Plan was making provision to address the District's affordable housing needs in the period up to 2042. It would therefore allow for a more *effective* policy response; and
- it would not delay developments coming forward through the planning process whilst an assessment of viability was conducted and agreed.

6.39 Whilst a more complete response to viability is provided in Section 8 below, the Cherwell Group would draw attention to the significant viability work prepared in support of the relatively recently adopted Cranbrook Plan. The Council's evidence underpinning that Plan, which was subject of significant scrutiny at the Cranbrook Plan Examination in Public, concluded that the four expansion areas were only able to viably support 15% affordable housing.

6.40 As stated in Section 8 below, the Cherwell Group suggest, when forming the viability assessment for Marlcombe and establishing an affordable housing requirement, that strong regard is had to the viability work prepared in support of the Cranbrook Plan.

Limbs B and C - Forms of housing

6.41 The Cherwell Group intend, as is proposed to be required by the emerging Local Plan, for a range of types, sizes and tenures of homes to be provided on Axehayes Farm. Housing will be provided to meet the needs of the community, including families, those that want to build or commission their own homes and the elderly.

- 6.42 Whilst the forms of housing listed in limb (b) of Strategic Policy WS01 are understood, in order to ensure that the emerging Policy is *clearly written* and *unambiguous*, further clarification should be provided as to what the provision of specialist housing to support younger vulnerable people comprises and what is required from the development.
- 6.43 In addition, to add clarity, consideration should also be given to providing a minimum size/quantum of development for the extra care housing scheme, the residential care home and the specialist housing for younger people. In regard to the former, we note that Devon County Council provided a suggested size for the extra care housing scheme within their response to the First Regulation 19 consultation (0.8ha).
- 6.44 Matters specified in limb (b) of the emerging policy are covered by other policies within the Plan. So as to prevent duplication, it may be more appropriate for such matters to be covered in these other policies only.

Limb D - Density

- 6.45 The Policy sets an expectation that there will be a site wide average density of 45 dwellings per hectare (net), with higher densities of at least 55 to 60 dwellings per hectare (net) within the neighbourhood centres and around key destinations and transport hubs. Densities of up to 75 dwellings per hectare (net) are required within and around the town centre.
- 6.46 Having reviewed the emerging Policy and vision, the Cherwell Group's masterplanners are concerned that the minimum density levels, including the proposed site wide average, could, having regard to the topography across the wider new community, be challenging to achieve, without compromising on the quality of design, accessibility and place-making, including providing a suitable response to the local vernacular.
- 6.47 This is particularly important, as the emerging Local Plan requires the development to be "*built to distinctive high quality design standards*" which draw "*inspiration from the local context...*"
- 6.48 Given these concerns, it is suggested that references to "*at least*" in relation to density are replaced with "*around*," to provide necessary flexibility.

Suggested change

"D. a site-wide average density of ~~at least~~ around 45 dwellings per hectare (net)."

Gypsy and Traveller provision

- 6.49 Strategic Policy WS01 of the emerging Local Plan seeks the provision of at least 30 Gypsy and Traveller pitches within the new community, of which at least 15 will be provided in the period up to 2042.
- 6.50 The Cherwell Group acknowledges that the Council has a legal duty to assess and meet the housing needs of the Gypsy and Traveller community (as well as Traveller Showpeople). However, the Cherwell Group have a number of issues with the approach being adopted by the Local Planning Authority, which include:
- the need for Gypsy and Traveller provision;
 - reasonable alternatives; and
 - viability.

The need for Gypsy and Traveller provision

- 6.51 The Gypsy and Traveller Accommodation Assessment (GTAA) (Document HOU-009) confirms that the following provision is required over the plan period to 2042:

- Gypsy and Traveller need that meets the planning definition – 18 pitches;
- undetermined Gypsy and Traveller need – up to 7 pitches;
- Gypsy and Travellers that do not meet the planning definition – 4 pitches; and
- Travelling Showpeople – 0 pitches.

6.52 At most, there is a need for 29 pitches, although as stated in the Council's GTAA, it is envisaged that the needs of households that were assessed as part of the evidence base work that do not fall within the definition of Annex 1 of the National Planning Policy for Traveller Sites “*should be met as part of the general housing need*”¹⁶.

6.53 Consequently, there is a need for 25 pitches over the plan period. However, even that level of provision could, having regard to the quotation provided from the Maldon District Council Local Plan Inspector's Report at para. 3.32 of the GTTA, be overinflated. In relation to the needs arising from undetermined households, the assessment confirms that the Inspector concluded that:

“...The Council's stance is that any need arising from ‘unknowns’ should be a matter left to the planning application process. Modifications to Policy H6 have been put forward by the Council setting out criteria for such a purpose, which I consider further below. To my mind, that is an appropriate approach. While there remains a possibility that up to 10 further pitches may be needed, that cannot be said to represent identified need. It would be unreasonable to demand that the Plan provide for needs that have not been established to exist” (our emphasis).

6.54 If this approach were taken forward, then the need would reduce to 18 pitches.

6.55 Moreover, the GTTA identifies the existing supply of Gypsy, Traveller and Travelling Showpeople sites in East Devon at its July 2023 base date. This included provision that benefitted from planning permission. However, as evidenced when reviewing Appendix E, it did not account at that point for the 15 pitches that were, as indicated at para. 5.7 of the assessment, proposed at the Cranbrook Expansion Areas, but which had not, at that point, achieved planning permission. Since the base date of the GTTA, planning permission has been secured for 15 pitches from the Cobdens¹⁷ and Treasbears Expansion Areas¹⁸.

6.56 Once this additional supply is accounted for, then the residual requirement would reduce to between 3 and 10 pitches, depending on the approach adopted in respect of ‘unknowns’.

6.57 Given this evidence, the Cherwell Group consider that to plan for a higher quantum of provision, without the necessary evidence to suggest that it is required, would not be a *justified* approach.

6.58 In addition, over the longer-term, it would appear that there is limited evidence to suggest that there is a need for a further 15 pitches in the period post 2042. The Local Planning Authority's evidence base work only establishes needs between 2023 and 2045. It only identifies a further need for three additional pitches in the period between 2042 and 2045. It does not suggest that there is a need for a further 15 pitches beyond the plan period. Consequently, it would be an *unjustified* strategy to plan for this additional provision at this stage. Instead, it is considered that the additional provision post 2042 should, if it is to be provided within the new community, be considered as part of the subsequent development plan document that will allocate the additional 2,000 homes required to ensure that the new community reaches 10,000 homes in total. That would ensure that the requirement is *evidenced* and would therefore be a *justified* strategy.

¹⁶ ORS, *East Devon District Council Gypsy and Traveller Accommodation Assessment (2024)*, para. 8.5.

¹⁷ Application 22/0406/MOUT

¹⁸ Application 22/1532/MOUT

Reasonable alternatives

- 6.59 The emerging Local Plan only proposes to meet the needs of the Gypsy and Traveller community from one allocated site (the new community), with Policy HN09 providing a criteria based approach for windfall sites. Other than these two options, there does not appear to be any assessment of other reasonable alternatives within the District where the housing needs of the Gypsy and Traveller community could be met.
- 6.60 This is particularly important, as the evidence base underpinning the spatial strategy confirms that the most preferable distribution of development would see 55% of housing need met within the West End. However, having regard to the committed Gypsy and Traveller development within Cranbrook and the proposed provision within Strategic Policy WS01, 100% of the Gypsy and Traveller need is proposed to be focused in the West End. This appears to conflict with the conclusions of the evidence base and is not, therefore, a *justified* proposition.

Viability

- 6.61 Evidence prepared in support of the Cranbrook Plan demonstrated that the proposed Gypsy and Traveller provision from the Expansion Areas would have resulted in a financial loss. Cranbrook Plan Document PSD36 confirmed that the cost for constructing the 15 Gypsy and Traveller pitches within the Cranbrook Expansion Areas would be £1,808,000. Cranbrook Plan Document PSD21a confirms that the values of the Gypsy and Traveller plots was, at that time, £55,000, giving a total value for the 15 pitches of £825,000. Consequently, a loss of £983,000 was predicted. We are aware that since the Cranbrook Plan was made, developers are now, via the Section 106 Legal Agreements, required to construct the pitches at their cost, and transfer them for £1 to the Local Planning Authority. Consequently, their construction cost will be fully borne to the wider development.
- 6.62 Given the above, and assuming that there is a requirement for the development to provide the constructed pitches, as there was at Cranbrook, in order to ensure that the new community is an *effective* proposition, the loss associated with the Gypsy and Traveller provision should be fully reflected within any viability assessment.

Jobs

- 6.63 The Cherwell Group note the requirements for 16.5ha of employment land to be provided at Marlcombe in the period up to 2042, with a further 23.5ha of employment land proposed in the period post-2042.
- 6.64 As a matter of principle, they strongly support the provision of employment land within Marlcombe. As set out within para. 4.8b of the emerging Local Plan, the provision of jobs within the new community will help to minimise out-commuting, which, as set out in para. 109 of the NPPF, can help to reduce congestion and emissions, whilst also improving air quality and public health. In doing so, it can also help to reduce the costs of more significant transport interventions on the highways network.
- 6.65 However, as neither the Cherwell Group nor the Local Planning Authority are proposing any employment land within Axehayes Farm, they do not provide any detailed comments regarding the proposals.
- 6.66 Notwithstanding the above, the Cherwell Group are aware that the overall quantum of homes proposed in the emerging Local Plan is unlikely to provide a sufficient quantum of workers to support the mid-point clean growth strategy adopted within the Plan.

Town and neighbourhood centres

- 6.67 The Cherwell Group note the requirements for a town centre and two further neighbourhood centres. As neither the Cherwell Group nor the Local Planning Authority are proposing town or

neighbourhood centre uses on land at Axehayes Farm, the Cherwell Group do not have any detailed comments to make about this element of the Policy.

- 6.68 However, the proposed town and neighbourhood centre uses will help to achieve the ambitions of the Marlcombe Transport Vision (Document NWC-003)¹⁹ and will be a key component of place-making. As such, they are strongly supported by the Cherwell Group.
- 6.69 Notwithstanding the above, the Cherwell Group notes that the policy contains a potential list of uses for the town and neighbourhood centres. It appears to exclude community uses. Strong consideration should be given to broadening the uses to include community uses, such as the place of worship and parsonage, the integrated neighbourhood health centre, and the blue light facility.
- 6.70 In addition, the Cherwell Group provide comment on the emerging Stewardship Strategy below. Services and facilities within the town and neighbourhood centres could provide revenue streams to fund the long-term management and maintenance of infrastructure within Marlcombe.

Social, cultural, leisure, health and community facilities

- 6.71 The Cherwell Group acknowledge that to ensure that the second new community constitutes sustainable development, there will be a need for it to include social, cultural, leisure, health and community facilities. For large-scale development such as that being proposed, this is a requirement of national planning policy²⁰.
- 6.72 In regard to Strategic Policy WS01, it is noted that there will be a requirement for a full range of social, cultural, leisure, health and community facilities. This is not disputed by the Cherwell Group. Indeed, they will be an important placemaking component of the second new community. They will also become important elements of ensuring the achievement of the Marlcombe Transport Vision, particularly in relation to internalisation.
- 6.73 Notwithstanding the above, the Cherwell Group note that reference is made in the emerging Policy to “*revenue contributions*,” but no further guidance is provided within the Policy or its supporting text as to what would be required from residential development within Marlcombe, or whether such requirements would satisfy the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations, as well as para. 57 of the NPPF.
- 6.74 Only one reference is made within KSD-001(rev) to revenue contributions, which is in relation to Project COM-10 (the community builder). If this is what is meant by revenue contributions, then to provide the necessary clarity, it should be stated within emerging Strategic Policy WS01.
- 6.75 More detailed comments of the proposed social, cultural, leisure, health and community facilities is provided below.

Education provision at the Marlcombe new community

- 6.76 The Cherwell Group acknowledges that a full range of education facilities will be required at Marlcombe and note that the justification for the policy requirements for education provision is established within Document HCO-005. They do, however, have the following concerns relating to the proposed education provision:
- the location and size of the proposed education campus;
 - the size of the total education provision, its catchment and its implications on viability; and

¹⁹ Para. 2.21.

²⁰ Para. 74 and 97 of the NPPF

- the fifth primary school.

6.77 Each is discussed below in turn.

Location of the education campus

6.78 The Cherwell Group note the requirements for education provision from Marlcombe, including the proposed education campus, which as shown in Figure 7 of the emerging Plan, is proposed on Axehayes Farm. Whilst the Cherwell Group consider that, from a design perspective, it is a deliverable proposition to construct the education campus in the location shown on the Council's masterplan, they have, in Section 2, proposed a revised location for it, which could have a number of additional benefits.

6.79 Whilst, for brevity, these benefits are not repeated in this section of the representation, the Cherwell Group consider that their proposed location needs further consideration. In that regard, they support the proposed additional wording set out within the Policy, that the development will need to occur and proceed "*broadly in accordance*" with the masterplan shown in Figure 7, although they have proposed a minor modification to that wording. Such an approach will provide the necessary flexibility for the campus' location to be re-considered in the near future.

6.80 Noting Devon County Council's response concerning abnormal costs to the First Regulation 19 Consultation, which is set out in Section 2 above, this could become an important change.

6.81 Moreover, the Cherwell Group note that the Vision for Marlcombe seeks for "*...a diverse mix of uses that are easily accessible via sustainable and active travel such that these become the dominant transport modes.*"

6.82 In this regard, the Marlcombe Transport Vision concludes that the length of a trip is a key determinant to the mode of transport used²¹. Consequently, a more central location within Marlcombe, to the north west of its proposed location as shown in Figure 7 of the emerging Plan, would ensure that it was placed in a more accessible location to a greater number of residents, thereby making it more likely that journeys to the education campus would be made by active travel modes. This will be particularly important early within the settlement's construction, as it is envisaged by the Transport Vision that homes will "*initially be clustered around the southern and northern ends of the site*²²."

6.83 As set out in Section 2, as the Marlcombe Transport Vision assumes that the construction of the primary access road and the northern and southern junctions will occur in the same phase as the education campus, there can be no justification linked to the phasing requirement of the campus that would preclude it being relocated in the manner proposed by the Cherwell Group.

Quantum of land for the education campus

6.84 As currently worded, Strategic Policy WS01 requires the education campus to be constructed on at least 17.3ha of land. The proposed policy wording allows for further discussion on the quantum of land that will be required for the campus during the consideration of the masterplan and during the determination of the principal permission. This flexibility is a concern for the Cherwell Group, as a more detailed analysis of the significant earthworks required to support the campus in its location proposed by the Local Planning Authority could necessitate a greater quantum of land than the minimum quantum established within the Policy. This need for a greater quantum of land could reduce the housing yield from Marlcombe, reduce the net residential area, reduce revenue and add further costs, undermining viability.

²¹ Document NWC-003, para. 6.2.4.

²² Document NWC-003, para. 2.11.12.

- 6.85 Consequently, if the Local Planning Authority continue to support the location of the education campus as shown on Figure 7 of the Plan, then there should be the need to undertake a further analysis of the minimum area of land required to accommodate the school in the northern area of Axehayes Farm and for that to be properly reflected in Strategic Policy WS01 and its supporting viability work.
- 6.86 An added benefit for locating the education campus in the location proposed by the Cherwell Group is that as that area of the Marlcombe new community is more level, a greater level of certainty could be placed on the school only requiring 17.3ha of land.
- 6.87 Given the scale of the education campus, further clarity should be provided as to whether ancillary infrastructure, such as sustainable drainage systems, could be accommodated within the 17.3ha, or whether a sustainable drainage system to support the education campus would need to be provided in other areas of the development.

Size of the education campus and cost implications

- 6.88 There is a significant difference between the capacity of the education campus as outlined in Strategic Policy WS01 and Devon County Council's requirements that were established in their consultation response to the First Regulation 19 consultation. Whilst initially, Devon County costed the campus at £47,338,544, its cost in Document KSD-001(rev) is now £87,109,050. It is assumed that the difference between the figures is due to the methodology proposed in both, with Devon County Council seemingly calculating the requirements based on the 8,000 homes, whereas Document KSD-001(rev) lists the infrastructure requirements to support the envisaged total size of the new community (at least 10,000 homes). It does however demonstrate the significant increase in the costs of this element of community infrastructure resulting from the enlargement of the new community (the new community would increase by 25%, whereas the costs for the school increase by 84%).

The size of the total education provision, its catchment and its implications on viability

- 6.89 The Cherwell Group note that Document KSD-001 confirms that the education campus (Project EDU-9) will provide for an area wider than just the new community. Its costs should therefore be apportioned on a pro-rata basis, which should be taken forward into the Council's viability work.

Education phasing

- 6.90 As currently drafted, Strategic Policy WS01 requires the education campus to be delivered first. Such a Policy requirement is inflexible and could prevent the delivery of development. Similar conversations were had during the Cranbrook Plan Examination and during the determination of related planning applications (see for instance the wording of Policy CB7 of the Cranbrook Plan).
- 6.91 It is the Cherwell Group's opinion that the phasing of the education provision should be a matter to be considered through the phasing and delivery strategies required by Strategic Policy WS01, when a greater understanding of how and when the development at Marlcombe will come forward, can be obtained. This would allow for education provision to come forward as part of the initial phases of the development, rather, than could be the case with the wording of the current policy, in a location that is divorced from the early residential phases.
- 6.92 In that regard, the Cherwell Group are aware that the initial requirement is for primary school provision, which could be accommodated on any one of the proposed four primary schools, with secondary school provision not being required until much later.
- 6.93 They therefore suggest that a similar, flexible approach is adopted in Strategic Policy WS01 to Policy CB7 of the Cranbrook Plan. If the ambition is for the education campus to come forward first, then its revised location as proposed by the Cherwell Group, could also help address concerns.

Additional primary school

- 6.94 In terms of primary school provision, Strategic Policy WS01 identifies the need for four primary schools, including the education campus. This is re-confirmed in Document HCO-005²³. However, five primary schools are identified as Marcombe related projects within the IDP (Document KSD-001(rev)), which are projects EDU-9, EDU-10, EDU-11, EDU-12 and EDU-13.
- 6.95 It is understood that only four primary schools are required to support the 8,000 homes allocated within the emerging Local Plan and the additional primary school will only be required to support the expansion land (2,000 homes)²⁴.
- 6.96 Given the need for infrastructure capacity and needs works to take account of 10,000 homes, it would be more *clearly written* and *unambiguous* for the Policy, or its supporting text to confirm that the fifth school will be required to be brought forward in land to be allocated in a subsequent development plan document and not the land allocated in the emerging Local Plan.

Wider infrastructure

- 6.97 The following section comments on the 'wider infrastructure' requirements established within Strategic Policy WS01. The comments focus on the need for each infrastructure item and any other design related points.

Limb A - SANG

- 6.98 As set out in para. 13.16 of the emerging Plan, the provision of SANG land forms a key element of mitigation for developments that are located within 10km of the Exe Estuary Special Protection Area (SPA) and the Pebblebed Heaths Special Area of Conservation (SAC). The emerging Policy confirms that mitigation should be provided at a rate of 8ha per 1,000 population, which was the same requirement as set out in Policy CB14 of the Cranbrook Plan. This requirement has therefore been tested at Examination and found to be sound. It follows that it is a level of provision that is supported by the Cherwell Group.
- 6.99 The Cherwell Group are also supportive of the emerging Plan now providing an occupancy rate within the Policy. This change provides welcome clarity and reduces *ambiguity*. It is also an occupancy level that is founded on significant research undertaken by the Local Planning Authority, which was used to inform Policy CB14 of the Cranbrook Plan and recognises that new communities tend to attract a greater level of young families, meaning the occupancy rate is modestly higher than elsewhere.

SANG location

- 6.100 Whilst the Cherwell Group acknowledge the need for SANG, they consider that alternative locations should be considered, including:
- within the Clyst Valley Regional Park to the west, in coordination with the delivery of homes from Marcombe; and/or
 - in accordance with para. 74(d) of the NPPF, in order to accelerate housing delivery, to explore ensuring SANG land is provided, where possible within land ownerships, where it would be consistent with Natural England's guidance. It is acknowledged alternative locations for SANG land could be explored through the site-wide masterplan, through the development management process.

²³ 4.3.9.

²⁴ See the notes/additional justification section of Document KSD-001(rev).

Quantum required

6.101 It is noted that the emerging Policy identifies a total requirement for SANG land in brackets (150.4ha). This, however, is calculated on the basis of 8,000 homes. It is therefore assumed, in the context of the Policy requirement for all infrastructure and needs works to take account of 10,000 homes, that only a quantum of SANG sufficient to meet the needs generated from 8,000 homes needs to be provided within the land allocated within the emerging Local Plan, rather than for 10,000 homes. Any additional SANG requirements should be met in the expansion areas.

Limb C - Public open space provision

6.102 The Cherwell Group acknowledge that the new community will be required to provide on-site public open space provision. As stated in national planning policy, access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and has other wider benefits²⁵.

6.103 Whilst the Cherwell Group do not comment on the public open space requirements, they do support, as indicated above, the incorporation of the proposed occupancy rate within the Policy.

6.104 In addition, it is noted that the overall requirement for each typology of public open space is set out in brackets, calculated on the basis of the allocated 8,000 homes. In the context where there is a requirement for infrastructure capacity and needs work to be undertaken on the basis of 10,000 homes, the emerging Policy, or its supporting text should confirm that the public open space provision required to support the expansion areas should be provided in the land that will be allocated in a subsequent development plan document, rather than the land allocated at Marlcombe in the current Local Plan.

Limb D - Playing pitches

6.105 It is indisputable that playing pitches will be required to meet the needs of the residents of the Marlcombe new community. However, noting the requirements of para. 102 of the NPPF, we can find no evidential basis, at this stage, to justify the requirement for the 20ha of playing pitches established in Strategic Policy WS01.

6.106 At the time of writing, no up-to-date playing pitch strategy is provided within the evidence supporting the consultation and the most up-to-date playing pitch strategy that can be found on the Council's website was originally published in June 2015, and is therefore over a decade old. It is noted that in relation to other geographical areas of the District, Document KSD-001(rev) confirms that a new playing pitch strategy is being formed and will be published prior to the submission of the Plan.

6.107 Moreover, no understanding can be obtained from the Policy relating to the mix of pitches proposed, or their surface treatment. Consequently, the need for 20ha has not been *justified*. Through discussions relating to the Expansion Areas at Cranbrook, the Local Planning Authority will be aware of the efficiencies that were achieved through providing an artificial grass pitch at the Treasbeare Expansion Area, in comparison to grass pitches, which can be used significantly less than artificial grass pitches.

6.108 The Cherwell Group also note that tennis and other courts are listed as an infrastructure item in the IDP (Project REC-6). Clarification should be provided in the Policy as to whether the required courts could be clustered with the playing pitch provision and within the 20ha of land. Such an approach was advocated at the Treasbeare Expansion Area.

²⁵ Para. 102 of the NPPF.

Limb E - Cemetery

- 6.109 Whilst the Cherwell Group are supportive of cemetery provision being provided within Marlcombe, they can find no evidential basis within the evidence base underpinning the emerging Local Plan to *justify* the requirement. Document KSD-001(rev) suggests that it would be required to meet the burial requirements arising from the new community, but this would seem at odds with the justification provided for the occupancy levels applied for SANG land and public open space, which would suggest that the new settlement would attract a greater proportion of younger families.
- 6.110 It is also not clear as to whether the cemetery is required to support the needs of the quantum of development allocated in the emerging Local Plan, or for the settlement's proposed ultimate size. This will have implications for the viability work.

Limb F - Place of worship and parsonage

- 6.111 Reflecting on para. 97 of the NPPF, the Cherwell Group are supportive of a place of worship and a parsonage being provided within the new community. However, they can find no *justification* for the Policy requirement. Moreover, unlike some of the infrastructure requirements established in Strategic Policy WS01, it does not identify the quantum of serviced land required. To ensure that the emerging policy is *clearly written, unambiguous and effective*, the size of the land required should be established in the emerging Policy and/or the IDP.
- 6.112 Moreover, given the nature of a place of worship and a parsonage, consideration should be given to their provision within the space identified for the town centre.

Limb G - Materials reclamation facility/waste transfer station

- 6.113 The Cherwell Group can find no evidential basis within the consultation material that suggests that the facility is *necessary*. In this regard, they note that in their consultation comment to the Regulation 19 consultation, Devon County Council, as the waste planning authority, did not provide any evidence of its need, or the justification to support the Policy requirement for at least 4.05ha of land. This further evidence should be provided by the Local Planning Authority.
- 6.114 Moreover, it is noted that Document KSD-001(rev) confirms that:
- the facility could be "*located elsewhere;*" and
 - it is a project that is required to serve the needs of development within the West End, including Marlcombe, but importantly, not exclusively Marlcombe.
- 6.115 As the Project could be located elsewhere, it would seem inappropriate for land use planning to constrain the site being use for alternative uses over the long-term, if a more suitable site was found. In that regard, the land should only be safeguarded until confirmation about the location of the facility is confirmed. This is a similar approach to that advocated at the safeguarded energy centre land at the Treasbeare Expansion Area (see Policy CB3 of the Cranbrook Plan).
- 6.116 Moreover, as the Project will serve a wider catchment than just Marlcombe, its costs should be apportioned on a pro-rata basis, which should be reflected in the Council's viability work for the new community.

Limb H - Park and rides

- 6.117 The Cherwell Group support the provision of the two proposed park and ride facilities within the Marlcombe new community. Document NWC-003 confirms that their purpose is to "*intercept car-based trips into Exeter and reduce pressure on the surrounding road network, particularly at M5*

Junctions 29 and 30. These sites will serve both external commuters and internal town residents, forming a key component of the community's sustainable transport framework²⁶."

6.118 The approach is therefore *justified*.

Limb I - Electricity reinforcement

6.119 The Cherwell Group are aware that there has been a long-standing need for electrical reinforcement in the network to the east of Exeter. This was initially raised during the Cranbrook Plan Examination in Public²⁷.

6.120 The Cherwell Group note that whilst Strategic Policy WS01 requires the provision of 1ha of serviced land within Marlcombe for such purposes, Document KSD-001(rev) does not specify Marlcombe as being the preferred location to accommodate it, suggesting that it could be located anywhere within the West End, including Marlcombe (see Project UTI-9).

6.121 Previous discussions with the Local Planning Authority have indicated that there are a number of options that were being considered for the bulk supply point/primary substation across the western portion of East Devon, which included the land safeguarded for energy centre purposes in planning permission 22/1532/MOUT (3.5ha).

6.122 Given the safeguarded land secured at Treasbeare, the *necessity* of a new bulk supply point being provided at Marlcombe is therefore questioned, particularly as its justification is "*to ensure adequate electrical capacity to serve Marlcombe and wider developments across the West End and further afield*." (our emphasis).

6.123 If the intent is to provide flexibility to enable National Grid Energy Distribution to have a number of sites from which to choose to develop a bulk supply point within the West End, then it would be inappropriate to limit the land use of this area of the Marlcombe new community for such a purpose over the longer-term. At most, and assuming a need is evidenced, it should only be safeguarded, which would be a consistent approach to that adopted at Cranbrook.

6.124 Moreover, so as to ensure that the Policy is *clearly written* and is *unambiguous*, as well as effective, the precise quantum of land required for electricity reinforcement should be stated in the Policy. At present, only a minimum quantum is specified (but not justified), with no maximum requirement expressed.

Limb J - Leisure centre

6.125 Analysis provided within Document HCO-001 would suggest that there is a need for new leisure centre facilities within East Devon over the plan-period²⁸. However, the Cherwell Group note that within the note section of Project REC-7 of Document KSD-001(rev), it is confirmed that:

"A Leisure Strategy addendum is in production and will detail the requirements for leisure provision at Marlcombe. Further information is expected to be available in time for submission of the plan."

6.126 The Cherwell Group, therefore, at this stage, reserve the right to comment on the *necessity* of providing a leisure centre within Marlcombe.

²⁶ Document NWC-003, para. 9.2.1.

²⁷ See East Devon response PSD45 to the Cranbrook Plan.

²⁸ Para. 7.5.

- 6.127 Should it be confirmed that a leisure centre is required, then in order to ensure that needs are met in full and the emerging Policy is *effective* in this respect, the required land to accommodate it should be specified.
- 6.128 In addition, and following the example set in Cranbrook, where the leisure centre was required within the town centre (see Policy CB21 of the Cranbrook Plan) consideration should be given to the leisure centre being located within the Marlcombe town centre. From a place-making and accessibility perspective, the town centre would be an appropriate location and would accord with the anticipated uses identified in Strategic Policy WS01. If this strategy was taken forward, then it is assumed that the requirement would be met within the 12ha of land identified for the town centre.

Limb K - Integrated neighbourhood health centre

- 6.129 The provision of health facilities will be an essential component of social infrastructure in the new community. Document KSD-001(rev) confirms that it is required to meet the needs arising from the population of Marlcombe.
- 6.130 However, so as to ensure that the health infrastructure requirements of the population of Marlcombe are *effectively* delivered, emerging Strategic Policy WS01 should specify the size of the land required for the facility. At present, this information cannot be obtained from either the emerging Policy, or Document KSD-001(rev).
- 6.131 As with the proposed leisure centre, consideration should be given to incorporating the integrated neighbourhood health hub within the town centre, or possibly a local centre. Accessibility and place-making benefits would arise from such an approach. It would also follow a similar approach adopted at Cranbrook (see Policy CB21).

Limb L - Blue light facility

- 6.132 The Cherwell Group do not, at this stage, dispute the need for a blue light facility to be provided within Marlcombe. They do, however, consider that if the need for a facility is established, then the land required to meet this need should be specified within Strategic Policy WS01, so as to ensure that it is *effectively* met.
- 6.133 The Cherwell Group would again suggest that the town centre is an appropriate location for such a facility and the land required to accommodate it should form part of the 12ha required for the town centre within Strategic Policy WS01.

Public transport measures

- 6.134 The Cherwell Group are aware that public transport measures are a key component of the Marlcombe Transport Vision (Document NWC-003). Section 9 of Document NWC-003 establishes the public transport strategy for Marlcombe, which proposes a high-quality bus network which will connect Marlcombe to Exeter and nearby employment centres. Features will include:
- park and ride facilities, which will be located at either end of the new community. They will intercept existing car trips destined for Exeter, whilst also serving as mobility access points for residents and workers within Marlcombe, who can reach them via active modes of travel (including those proposed at the mobility hubs) and the internal circular bus service. Service frequency is anticipated to be every 15 minutes;
 - the internal circular bus service referred to above, which will pass through destinations within Marlcombe and the proposed residential development. It will provide services every 10 minutes during peak hours and every 15-20 minutes off-peak;
 - ensuring that bus services provide connections to Cranbrook and Digby and Sowton stations which align with train arrivals and departures;
 - bus priority measures (within Marlcombe and on routes outside of Marlcombe), which could include dedicated lanes, signal priority and congestion bypasses;

- user experience and accessibility measures, including: (1) providing real-time information at bus stops; (2) ensuring that bus stops are accessibly located within a distance of 640m from most homes; (3) ensuring all infrastructure meets national accessibility standards; and (4) convenient, integrated and competitively priced ticketing.

6.135 These are measures which are supported by the Cherwell Group and where necessary, their masterplan proposals respond to such requirements. Subject to viability, financial contributions will be provided on a proportionate basis.

6.136 There is, however, potential for the double counting of costs associated with Projects TRA-4, TRA-19, and TRA-21. The costs listed within Document KSD-001(rev) should therefore be carefully reviewed.

On and off site walking, wheeling and cycling infrastructure

6.137 The Cherwell Group are supportive of the requirement for on and off site walking, wheeling and cycling infrastructure. Indeed, they consider that such infrastructure will be central for achieving the vision for the settlement, which includes it providing a range of homes, places of work and a diverse mix of other uses, which are “... *easily accessible via sustainable and active travel such that these become the dominant transport modes.*”

6.138 Indeed, its compact nature lends itself to the successful promotion of active travel modes. As outlined in Document NWC-003, the allocation is under 2.5km from its northern and southern extents, meaning that journey times from either end of the development would be around a walk of 30 minutes, or a cycle ride of around ten minutes²⁹.

6.139 Document NWC-003 establishes a strategy for required active travel provision. This includes:

Within Marlcombe

- segregated cycleways and footpaths. In respect of the cycleways, these will include protected junctions and continuous routes which minimise junctions with, and the crossing of, primary and secondary streets (albeit cycles could share carriageway space with motorised vehicles in quieter and lightly trafficked streets);
- pedestrian priority in local centres, near schools and public spaces;
- providing opportunities to take shade, shelter and rest;
- the provision of signage, which will include journey times to key destinations;
- the provision of a mix of leisure and utility routes. Leisure routes will focus on recreational areas and could be less direct, whilst utility routes will be as direct as possible to destinations;
- lighting, natural surveillance and clear sightlines will enhance safety and perceptions of security; and
- a short-term cycle hire scheme being incorporated into the development, which ideally would be integrated with similar schemes within Exeter and local railway stations.

Off-site

6.140 Document NWC-003 confirms that Exeter is located around 9km to the west of Marlcombe, which is too far to be regularly walked. With cycle journey times predicted to be 35-45 minutes, it was concluded that it is wholly practical to commute to Exeter by bicycle. The Vision identifies two key existing cycle routes; the dedicated cycle bridge at Blackhorse Lane to the north and the Old Rydon Lane to the south. An additional crossing point into Sowton is being considered. It is acknowledged that there may be the need to upgrade some of these existing cycle connections. Additional

²⁹ Para. 8.1.2.

connections are proposed including to key employment destinations, such as Exeter Airport, Skypark and Cranbrook.

6.141 These are measures which are supported by the Cherwell Group and where required, will be incorporated into their development proposals.

Limb O - Off-site highways improvements

6.142 It is highly likely that the Marlcombe new community will necessitate off-site improvements to the existing network. Indeed, this is suggested within Document NWC-003, with Document KSD-001(rev) identifying a number of projects, including:

- the Exeter Airport/A30 junction;
- works to increase the capacity of Junctions 29 and 30 of the M5; and
- enhancements to the Sidmouth Road corridor.

6.143 Costs are identified for these projects within Document KSD-001(rev).

6.144 Given that Document KSD-001(rev) contains such a detailed understanding of the required highway improvements, it is surprising that a greater understanding is not provided in Strategic Policy WS01. It would be a more *justified* and *effective* strategy for the Policy to contain a further explanation of the junctions that are to be improved.

Limb P - Mobility hubs

6.145 The provision of mobility hubs within Marlcombe is supported by the Cherwell Group, who notes that Document NWC-003 confirms that they are to be “*a cornerstone of Marlcombe’s sustainable transport strategy*”³⁰.

6.146 Document NWC-003 contains significant detail about the proposed network of mobility hubs (including what will be provided within each) and their proposed location from each home and commercial building. Given the importance of mobility hubs in the new community’s sustainable transport strategy, consideration should be given to reflecting this information within Strategic Policy WS01, or its supporting text. This would ensure that the ambition for the network of mobility hubs is *effective*.

Reference to the IDP

6.147 The Cherwell Group note that Strategic Policy WS01 confirms that the Council has produced an IDP (Document KSD-001(rev)) which sets out key requirements. Further infrastructure items are listed that are said to be included within the IDP, including community energy/heating provision, on-site renewable energy generation and drainage and sustainable drainage systems. These are, however, not included within KSD-001(rev).

6.148 Moreover, there are items contained within the IDP that are Marlcombe related projects, which have not been identified in emerging Strategic Policy WS01. These include:

- a fifth primary school (Project EDU-13);
- community centres (Project COM-5);
- youth, children’s and library facilities (Project COM-8);
- the community builder (Project COM-10);

³⁰ Para. 10.1.1.

- SANGS delivery and enhancement maintenance contribution in perpetuity (Project ENV-3);
- on-site tennis courts, other courts, greens, tracks and trails (Project REC-6); and
- the new sewerage treatment works (Project UTI-6), although this is proposed to be located in the West End.

6.149 Further iterations of the Policy and/or the IDP should address these inconsistencies.

Application requirements

6.150 The emerging Policy requires proposals within the new community to progress in accordance with an agreed allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and a financial appraisal. Unless otherwise agreed with the Local Planning Authority, each planning application should accord with the approved documents. The Policy also references the need for parameter plans.

6.151 The Cherwell Group has seven principal concerns with these elements of the Policy, as follows:

- To ensure that the emerging Policy is *clearly written* and *unambiguous*, there should be an explanation of the apparent difference between parameter plans and masterplans.
- To ensure that the emerging Policy is *clearly written* and *unambiguous*, the Plan should be clear about who is to prepare the allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and the financial appraisal.
- To ensure that the emerging Policy is *clearly written* and *unambiguous*, there will be a need for the Policy to indicate how the allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and financial appraisal is required to be agreed.
- To ensure that the emerging Policy is *clearly written* and *unambiguous*, the Plan should be clear as to what stage of the development management process the allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and the financial appraisal is required to be agreed (i.e. is it prior to the submission of the first application, or as part of it). In that regard we draw attention to the wording of the Cranbrook Expansion Area policies, which state that “*the parameter plans shall be agreed in writing by the Local Planning Authority as part of the first approval of any planning application for development...*”
- The Policy states that whilst the emerging Local Plan only allocates land to accommodate 8,000 new homes and supporting facilities and infrastructure, infrastructure capacity should take account of the ambition to grow the community by a further 2,000 homes, to 10,000 in the longer term. Whilst for some elements of infrastructure this could be a possibility, without any surety over where the additional development will be located and at what level, it may be difficult for others. For instance, what assumptions will or can be made about trip assignment in relation to junctions onto the existing public highway and the location of education provision, when the location of the additional 2,000 homes is unknown? We have also drawn attention to a number of cases where the requirements of the Policy seemingly require infrastructure to meet the needs of 8,000 homes (SANG and public open space), whilst for others they are proposed to be sized to accommodate the needs generated from 10,000 homes (e.g. the education campus).
- Whilst reference is made in the Policy to the parameter plans being required to be prepared in partnership with developers and the wider community, this level of engagement seemingly is not required for the allocation-wide masterplan, infrastructure delivery strategy and financial appraisal, despite them potentially impacting other landownerships within Marlcombe. As it appears that these documents are required on an allocation-wide basis, there should be a requirement for them to be prepared in the same manner as the parameter plans; in partnership with other developers/landowners and the community.
- Unless an application is seeking to depart from the delivery of the contributions embedded within the emerging Local Plan, there should be no need to provide a financial appraisal prior to the commencement of development. The NPPF and the PPG confirm that plans should set out

the contributions expected from development, which should be informed by a proportionate assessment of viability. Para. 58 of the NPPF confirms that where a planning application complies with the contributions established in up-to-date policies, it should be assumed to be viable.

6.152 In addition, the Cherwell Group consider that emerging Strategic Policy WS01 should confirm that the site wide masterplan need only accord with the principles shown on the Council's masterplan (i.e. each land use proposed and its scale, rather than being tied to specific locations within the new community). This would provide the opportunity for a greater technical understanding of Marlcombe to be obtained before finalising the location of the proposed uses, which may also aid the development's viability. The landowner group have already commissioned joint technical work which could be used to inform the site wide masterplan and are committed to continuing with this collaborative approach. Amongst other matters, this work will include options for the location of the education campus.

Stewardship

6.153 Strategic Policy WS01 confirms that a town-wide stewardship vehicle and governance will be required early on in the planning and delivery process, which will provide full details of the governance structure, methods of funding the stewardship vehicle, details of the public spaces and community assets to be owned, managed and maintained by the stewardship vehicle and an indicative programme for the establishment of the proposed stewardship vehicle. It is noted that para. 4.8 of the Local Plan confirms that public spaces and community assets within the new community will need to remain in public ownership and that the stewardship vehicle for these assets will need to be self-funding.

6.154 The Cherwell Group acknowledge that stewardship will be a critical component of the new community. They are also aware that, as the proposed new community is the second that will occur within East Devon, many of these considerations will have been debated previously at Cranbrook. The Cherwell Group is aware of an East Devon Cabinet Paper dated 28th July 2021, which discussed the various stewardship models that had been discussed in the context of Cranbrook, which by the time that the paper was written, was a thriving community, with the established Town Council providing effective local leadership.

6.155 It confirmed that initially within Cranbrook, as with many developments, an estate management company was responsible for, amongst other things, the management and maintenance of public spaces. This was funded by a management charge applied to each home. However, in 2018, public assets and services were transferred to Cranbrook Town Council, with their management and maintenance being funded through the parish precept and residents having their estate charge removed. This did not require any commuted sums to be paid by the developers to the Town Council, but is reflected on the Council Tax bill for each property.

6.156 Two further options were considered within the Cabinet Paper for the stewardship of assets; asset endowment and profit share. In terms of the former, LRM Planning have been involved in a development where such an approach was used, alongside a conventional estate charge.

6.157 As part of the Former Wisley Airfield development, a Stewardship Strategy and an In Perpetuity Funding Framework was agreed. Through that work it was agreed that the Wisley Airfield Community Trust would be established, which is a charitable trust responsible for the operation and maintenance of the community assets and the promotion of community activities to aid with placemaking. The Trust is to be governed by a board of Trustees including residents, the Council, the County Council, the Parish Council, specialist stakeholders, the developers and other business interest groups.

6.158 The Strategy and Framework confirms that the Trust is to be responsible for:

- maintenance of public open spaces and community facilities;
- the maintenance of the SANG land;

- sustainable transport initiatives, including bus services and subsidy, e-bikes and car clubs;
- costs for the Trust's staff and its ongoing operation; and
- placemaking, including community development, activities and events.

6.159 A number of potential sources of revenue were identified, including:

- an estate charge for each dwelling and commercial unit;
- income from community assets, periodic income and charitable grants; and
- a scheme of endowment, whereby a number of residential properties were gifted to the charitable trust to be let to private tenants to provide a long term and unrestricted income. Initially, 19 dwellings were endowed to the Trust.

6.160 Subject to viability, such an approach to delivering the stewardship of the new community over the longer-term would be supported by the Cherwell Group. In the case of Marlcombe, it could include revenue generation from elements of the town and neighbourhood centres.

Future expansion

6.161 It is noted that Strategic Policy WS01 seeks to ensure that any development does not prejudice the integration of future development at the new community that could come forward in the period post 2042.

6.162 Whilst the intent of the Policy is understood, it is *ambiguous* as to how an applicant would demonstrate how this would be achieved, as Marlcombe's expansion areas are yet to be defined.

Delivery model and compulsory purchase

6.163 Document NWC-005 confirms that various delivery models for Marlcombe have been considered by the Local Planning Authority. This has, however, not been transcribed into Strategic Policy WS01, which appears to adopt a conventional approach to its delivery.

6.164 Whilst we are aware that the Council has aspirations to establish a Development Corporation for Marlcombe, which could be used for the purposes of stewardship and governance, it is important to recognise that it could take some time for such a Corporation to be formed to fulfil these roles. However, if the ambitious trajectory for the new community as shown in Document HOU-001(rev) is to be met, then the establishment of a Development Corporation should not prevent delivery at Marlcombe coming forward.

6.165 It is noted that the emerging Policy also makes reference to compulsory purchase powers potentially being used to deliver required infrastructure. Whilst this is a statement of fact and could be an important tool for the Council going forward, it should not, in this instance, be required, as there is a willing group of landowners and developers, who are committed to progressing with the Marlcombe new community in a conventional manner. There may also exist the potential for land to be made available for the Council or an appointed body, to take control over the delivery of necessary infrastructure. This could be, for instance, in relation to the delivery of community infrastructure or the town and local centres.

6.166 The proposed Policy can (with the amendments proposed) ensure a collaborative and comprehensive approach to the new community's delivery, and importantly, in a timely manner, without the need for an alternative delivery vehicle, or the use of compulsory purchase powers. Further work is proposed by the landowner group, which will be framed by a collaboration agreement, which is currently being prepared.

Final costs of infrastructure

- 6.167 Strategic Policy WS01 confirms that as the final costs of infrastructure may not be known at the time that permission is granted, planning obligations requiring a contribution to infrastructure may also include a review mechanism, once the item of infrastructure has been delivered and its costs are known.
- 6.168 This approach, however, is wholly *inconsistent with national planning policy*³¹, which confirms that plans should set out the contributions expected from development, including affordable housing and infrastructure.

THE COUNCIL'S EMERGING MASTERPLAN

- 6.169 Whilst acknowledging that Strategic Policy WS01 does not require the site-wide masterplan to be prepared in strict accordance with the Council's masterplan provided at Figure 7 of the emerging Plan, it would be remiss of the Cherwell Group not to outline their principal concerns of the Council's masterplanning work, which are summarised as follows:
- whilst from a design perspective, the location of the education campus as shown at Figure 7 of the Plan is deliverable, it will require substantial ground works and will generate abnormal costs. It will therefore be a more viable proposition to re-locate the education campus to other areas of the new community. The Cherwell Group suggest land to the north west, which is a strategy that would attract other benefits.
 - Axehayes Farm and land to the west and south west form, due to the topography of this part of the Marcombe new community, a separate drainage catchment to land to the north. In that respect, work undertaken on behalf of the Cherwell Group has indicated that a larger area for sustainable drainage systems will be required than is currently shown on the Council's masterplan.
- 6.170 It is acknowledged that the flexibility provided within the Policy (for which a further amendment is proposed) would allow for these matters to be considered through the development management process and would not necessarily require a modification to the Council's masterplan in that context.

SUMMARY

- 6.171 In summary, the Cherwell Group considers that:
- Consistent with the Plan's spatial strategy, which seeks to focus development in the least constrained parts of East Devon and in close proximity to the regionally significant city of Exeter, Strategic Policy WS01 proposes the allocation of Marcombe. It has been selected following an assessment of options to accommodate such a development and through a Sustainability Appraisal process. The allocation is therefore soundly made.
 - The Cherwell Group are collaborating with the other major land interests within Marcombe, as part of a landholder interest group. The group has the expertise and proven track record to bring forward such a strategic development, in partnership with the District Council, who themselves have successfully delivered a new town.
 - As drafted, Strategic Policy WS01 is unusually long, spanning some seven and a half pages. There is a concern that given its length, it does not provide a clear and concise framework to guide future applications. It also duplicates other policies proposed within the emerging Local Plan,

³¹ NPPF, para. 34 and 58, as well as MHCLG, *Planning Practice Guidance, Viability, Paragraph: 001 Reference ID: 10-001-20251216*.

and even in some instances, the same policy objective is covered more than once in Strategic Policy WS01.

- There is a lack of clarity over the required scale of infrastructure that is to be provided within the land allocated in the emerging Plan. Some items of infrastructure are planned to accommodate the ultimate size of Marlcombe (and potentially wider areas), whilst other requirements in the Policy have been sized to accommodate the quantum of development allocated in Strategic Policy WS01 (8,000 homes).
- The Cherwell Group have a number of concerns relating to the Council's masterplan, including in relation to the location of the education campus and the proposed sustainable drainage system. In particular, they consider that the portion of Axehayes Farm where the education campus is proposed is topographically challenging. Whilst it is feasible for an education campus to be located in this area of Marlcombe, it will require significant earthworks, which will generate abnormal costs. They suggest that the education campus would be better located on more level land, to the north west. A number of additional benefits would arise from such a design response. They do, however, acknowledge that these matters can be explored further during the preparation of the site wide masterplan.
- Given the scale of the new community, it will need to be undertaken on a phased basis. The required phasing strategy should be prepared in collaboration with the landholder interest group, who will ultimately be responsible for delivering Marlcombe.
- The allocation of strategic levels of residential development at Marlcombe are supported. It will make the most significant contribution to meeting East Devon's housing requirement, accounting for around one in every six homes that will come forward over the Plan period.
- It is considered that the Council's housing trajectory for the new community is ambitious, but in overall terms, past and forecast delivery rates would suggest that it is *deliverable*. It will, however, require planning applications to be prepared prior to the adoption of the Local Plan and in parallel with the Examination in Public.
- The 'aspirational' target of 40% affordable housing (with public subsidy) is not sufficiently clear, is not effective and does not accord with national planning policy. It also does not provide a sufficiently clear basis from which to be able to assess whether the District's affordable housing needs will be met over the plan period. Instead, the emerging Policy should establish a viable 'baseline' level of affordable housing, which should be informed by a viability assessment that fully accounts for all developer contributions. The Policy could then require applicants to explore whether public subsidy was available to achieve the Policy aspiration of 40%.
- Further evidence is required to justify many of the items of infrastructure that are currently required by the Policy. In some cases, there is a need for further clarity over where the items of infrastructure are to be located and their scale. Further clarity around these points would not only assist with decision-making, but also provide robust inputs into the Local Plan's viability work.
- The form, timing and how the site wide masterplan, the phasing strategy and the infrastructure delivery strategy are to be prepared and agreed is unclear. The same level of engagement should be required for these elements of work as the parameter plans.
- Unless a proposal is seeking to depart from the Plan's affordable housing and infrastructure requirements, a financial appraisal should not be required through the development management process.

7 Development management policies

- 7.1 The following section of this representation sets out the Cherwell Group's comments on the proposed development management policies contained within the emerging Local Plan. In the main, the Cherwell Group are supportive of the proposed policy context, which if applied effectively, will ensure development comes forward in a sustainable manner. That said, they have a number of soundness concerns with the policies commented on below. Suggestions for the alterations required to each policy to ensure that they are sound have also been provided.
- 7.2 The comments are made with the intent of helping the Local Planning Authority move forward with the Local Plan with alacrity.

STRATEGIC POLICY SP07: DELIVERY OF INFRASTRUCTURE – MODIFICATION REQUIRED

- 7.3 The Cherwell Group note that there is a requirement for a mechanism to be included within any planning permission to secure the long-term management and maintenance of new infrastructure and that the management regime should be predicated on the creation of social value.
- 7.4 It is not *clear or unambiguous* as to what is meant by social value. It is therefore considered that the Policy's supporting text should provide an explanation of the expectations.

STRATEGIC POLICY SP08: PHASED DELIVERY OF INFRASTRUCTURE AND SERVICES – MODIFICATION REQUIRED

- 7.5 Strategic Policy SP08 requires the developers of proposals that are being delivered on a phased basis to provide pedestrian, cycle and vehicular access up to the boundaries of each phase, as well as to ensure that adequate infrastructure capacity can be provided to service future phases/parcels without the need for retrofitting.
- 7.6 The Cherwell Group are supportive of this approach, which will ensure that development is delivered in a coordinated and comprehensive manner, and without unnecessary delays and additional costs. Their masterplanning proposals show pedestrian, cycle and vehicular access to the boundaries of their land parcels, which could also be controlled by condition.
- 7.7 Notwithstanding the above, they do, however, note that there is a requirement for services, which include (i.e. may not be a definitive list) electricity, water, sewerage, broadband and district heating services (where applicable) to also be delivered up to the boundaries of the phase or parcel and to align with infrastructure on neighbouring parcels/sites. These services are to be built to regulatory standards, with details of appropriate mechanisms for in perpetuity management and maintenance to a publicly accountable body.
- 7.8 The Cherwell Group have two concerns with this element of the Policy, as follows:
- No explanation of what would constitute a publicly accountable body is provided within the Policy, its supporting text, or the Plan's glossary of terms. It is assumed that the intent is to mean a body publicly regulated by a statutory regime, but this is not *clear or unambiguous*.
 - Noting that the title of the Policy refers to "*infrastructure*" and there are elements of infrastructure listed in Strategic Policy WS01 that are not ordinarily managed by bodies that are publicly regulated by a statutory regime (e.g. SANG or public open space), the ambiguity could allow for an interpretation of the Policy that is wider than intended.
- 7.9 The ambiguity could be reduced by the Policy and/or its supporting text, being far more specific over which elements of infrastructure and services are to be considered.

STRATEGIC POLICY CC01 – CLIMATE CHANGE – GENERAL COMMENT

7.10 The Cherwell Group acknowledges the climate crisis and supports East Devon’s target of becoming carbon neutral by 2040. They also support the policy framework which seeks new development to contribute to that target. However, this emerging Policy needs to be read in the context of Government guidance and Building Regulations.

7.11 In that regard, the Written Ministerial Statement entitled ‘Planning: Local Energy Efficiency Standards’ confirms that:

“In 2015, in reference to an un-commenced provision in the Deregulation Act 2015 which amended the Planning and Energy Act 2008, a written ministerial statement—HC Deb, 25 March 2015, vol 584, cols 131-138WS—stated that until that amendment was commenced, local plan policies exceeding minimum energy efficiency standards should not go beyond level 4 of the Code for Sustainable Homes. Since then, the introduction of the 2021 Part L uplift to the Building Regulations set national minimum energy efficiency standards that are higher than those referenced in the 2015 WMS rendering it effectively moot. A further change to energy efficiency building regulations is planned for 2025 meaning that homes built to that standard will be net zero ready and should need no significant work to ensure that they have zero carbon emissions as the grid continues to decarbonise. Compared to varied local standards, these nationally applied standards provide much-needed clarity and consistency for businesses, large and small, to invest and prepare to build net-zero ready homes.”

7.12 Moreover, it was also stated that:

“...the Government do not expect plan-makers to set local energy efficiency standards for buildings that go beyond current or planned buildings regulations. The proliferation of multiple, local standards by local authority area can add further costs to building new homes by adding complexity and undermining economies of scale. Any planning policies that propose local energy efficiency standards for buildings that go beyond current or planned buildings regulation should be rejected at examination if they do not have a well-reasoned and robustly costed rationale.”

7.13 This is also reiterated in the PPG,³² which states:

“The National Planning Policy Framework expects local planning authorities when setting any local requirement for a building’s sustainability to do so in a way consistent with the government’s zero carbon buildings policy and adopt nationally described standards. Local requirements should form part of a Local Plan following engagement with appropriate partners, and will need to be based on robust and credible evidence and pay careful attention to viability.”

7.14 The Local Planning Authority will need to satisfy themselves that the emerging Policy accords with the position advocated by Government.

STRATEGIC POLICY CC05 – HEAT NETWORKS – MODIFICATION REQUIRED

7.15 Strategic Policy CC05 requires that all major developments that are proposed within 1km of an existing heat network connection to connect to the existing heat network, unless justification is provided to demonstrate that it is not feasible. Moreover, proposals above 1,200 homes or 10ha of commercial floor space that do not connect to an existing network, will be required to provide their own network, unless it is demonstrated to not be achievable or that it undermines viability.

³² MCLG, Planning Practice Guidance, Climate Change, Paragraph: 009 Reference ID: 6-009-20150327

7.16 The Cherwell Group objects to Strategic Policy CC05. Their concerns are as follows:

- The major heat network within East Devon is the Cranbrook district heat network, which will, potentially, in the future, switch from a gas system, to using residual heat from an energy to waste site, which is located to the east of Marlcombe. In regard to that system, the Energy Assessment Guidance (2022) published by the GLA³³ indicates that a connection to existing heat networks should only be encouraged where the energy source can be considered low carbon (e.g. heat pumps), or where a decarbonisation plan is in place and a programme for implementation is confirmed. Connections to a third generation heat network that utilises plant such as combined heat and power has demonstrated to result in increased emissions in comparison to onsite heat pump strategies under current Part L 2021 assessments. Therefore, the requirement to connect to such a network would conflict with Strategic Policy CC02, which seeks to minimise the carbon footprint of a development. The existing Cranbrook network, which utilises combined heat and power for a portion of the heat generation, would therefore have higher associated carbon emissions than those used within the Part L notional building, which could cause a risk of non-compliance with Part L.
- As can, at the present time, be demonstrated with reference to the Cranbrook Expansion Areas, the connection charge to an existing district heat network is considerably higher (double), that of an onsite heat pump solution. Viability will undoubtedly be a key consideration for strategic allocations, including the new community as the Plan evolves, noting that for the Plan to be *deliverable* and therefore *effective*, it will need to be a viable proposition.
- Heat networks can result in transitional losses across the extended pipework in comparison to onsite/building level solutions, which can impact performance.

7.17 Given the analysis presented above, the emerging Policy is not *justified* or *effective*.

7.18 It is suggested that the Policy is modified to include flexibility to only require that the feasibility and commerciality of a connection to a heat network is investigated, but allow for alternative on-plot solutions where it is demonstrated that a connection to a heat network is not the optimal solution.

STRATEGIC POLICY CC06 – EMBODIED CARBON – MODIFICATION REQUIRED

7.19 Strategic Policy CC06 requires proposals to demonstrate actions taken to minimise embodied carbon emissions. Major development is required to undertake an embodied carbon assessment as part of a sustainability statement, using a nationally recognised whole life cycle carbon assessment procedure.

7.20 Whilst the principle of the Policy is understood and supported, the Local Planning Authority will need to consider how practical the implementation of the Policy will be, particularly as many of the emissions associated with development are outside the control of a developer (i.e. material extraction and transportation, demolition and disposal). The Local Planning Authority will also need to consider how they will monitor the implementation of the Policy. They should also be mindful of the implications that the Policy should have on issues such as housing delivery.

7.21 In addition, the Policy and its supporting text is not *clear* on what stage of the development process that the embodied carbon assessment is required. Many of the considerations will not be known on submission and determination of an outline application and therefore it may be more effective, in that circumstance, for the outline applicant to establish targets at the outline stage, which could be controlled by condition for a later stage of the planning process.

³³ <https://www.london.gov.uk/programmes-strategies/planning/planning-applications-and-decisions/pre-planning-application-meeting-service/energy-planning-guidance>

STRATEGIC POLICY AR01 – FLOODING – OBJECT

7.22 The Cherwell Group objects to Strategic Policy AR01, as they consider that it is not a *justified* proposition. Specifically, their concerns are:

- As drafted, the Policy seeks to ensure that space is provided on all developments for the inclusion of surface water drainage systems that are designed to reduce the volume and run off rate to less than greenfield run off rates. The Devon County Council Guidance is highlighted as providing the justification for this requirement. However, it appears that the Guidance has been misunderstood. Instead, the Guidance states that development “*runoff rates post development should never exceed greenfield runoff rates for the same return period event³⁴*” (our emphasis) rather than ensuring rates are less than the greenfield runoff rate.
- In addition, other than in circumstances where infiltration and soakaways are provided, it will not be practicable to reduce the volume of runoff to below that of a greenfield site. This is reflected in guidance provided by Devon County Council, which states that “*for developments on greenfield sites, the volume of surface water runoff discharged off-site in the 1 in 100 year, 6 hour rainfall event, must never exceed the greenfield runoff volume for the same event³⁵*.” Such an approach relies upon ‘long term storage,’ which is a very different calculation to the proposed policy wording.

7.23 In addition to the above, the Local Planning Authority should also consider how limb (a) of the emerging Policy accords with para. 175 of the December 2024 version of the NPPF. The paragraph confirms that sequential tests are not required in scenarios where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk). In addition, the Cherwell Group note that the PPG confirms³⁶ that when applying para. 175 of the NPPF “*a proportionate approach should be taken.*”

Suggested changes

7.24 To remedy these soundness concerns, the Policy should be reworded as follows:

“A. Requiring applicants for development proposed in a flood risk location from any source to demonstrate that there is no sequentially preferable location, **unless a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).** If necessary, ~~that development complies with the~~ **an exception test will also be required. This Policy will not apply to where** ~~unless~~ this has been undertaken through a site allocation in this plan. **In applying this Policy, a proportionate approach will be undertaken...**”

“C. **Ensuring that space is provided on all development sites for the inclusion of SuDS designed to ensure rates of runoff do not exceed greenfield rates and that runoff volumes are managed in accordance with the latest guidance issued by the Lead Local Flood Authority.** ~~reduce the volume and rate of runoff to less than greenfield rates, as informed by the ‘Sustainable Drainage System – Guidance for Devon’³¹. Surface water run-off should be managed as close to the source as possible. Systems should reduce pollution risks and contribute to the conservation and enhancement of biodiversity, water quality and GI where practicable...~~”

³⁴ Section 5.4.

³⁵ Section 5.5.

³⁶ MHCLG, *Flood risk and coastal change*, Paragraph: 027 Reference ID: 7-027-20220825.

STRATEGIC POLICY HN02 – AFFORDABLE HOUSING – OBJECT

7.25 The Cherwell Group object to Strategic Policy HN02. They have three principal concerns, as follows:

- consistency with Strategic Policy WS01;
- ambiguity; and
- viability.

7.26 Their concerns are set out below.

Consistency with Strategic Policy WS01

7.27 For the Marlcombe new community, the Policy confirms that there is an aspirational target of 40% affordable housing, subject to grant funding and bespoke viability work. Reference to grant funding, however, is not made within Strategic Policy WS01.

7.28 It is the Cherwell Group's strong view that there should be no need for Strategic Policy WS01 to confirm expected levels of affordable housing within Marlcombe, for this *duplicates* Strategic Policy HN02. However, if the Local Planning Authority proceed with expected levels of affordable housing from Marlcombe being confirmed in both policies, then a consistent wording between both should be adopted.

Ambiguity

7.29 As set out in the response to Strategic Policy WS01, as drafted, it is not considered that an "aspiration" of 40% affordable housing is sufficiently *clearly written* and *unambiguous*, for it does not confirm the precise quantum of affordable housing that is required, which is expressed as a requirement in the PPG.

Viability

7.30 There is a need, in line with national planning policy, for the emerging Local Plan to establish contributions expected from development, including the levels of affordable housing provision, along with other infrastructure. This assessment work should take into account all relevant policies, local and national standards, including the cost implications of the Community Infrastructure Levy and Section 106 obligations. The PPG confirms that affordable housing requirements should be set as a single figure, rather than a range³⁷, which in effect, is how the Policy is currently written (it could be any level of affordable housing from 0% (although noting para. 66 of the NPPF, 10%), through to 40%.

7.31 Neither Document CSD-004 or 004a provide an assessment of viability for Marlcombe. Consequently, at the time of writing, there is no evidential basis to establish an affordable housing requirement for the new community. We understand that this is being prepared by the Local Planning Authority and will be available by the Examination in Public.

7.32 However, the viability work provided at Appendix 3 confirms that it is unlikely that the 40% level of affordable housing proposed within the emerging Local Plan will be achieved, without substantial public subsidy. This conclusion has been reached having regard to:

- Documents CSD-004 and 004a, which support the conclusion of 35% affordable housing on areas outside Marlcombe (and Cranbrook) and will relate to sites with a significantly lower developer contributions package than will be required at Marlcombe;

³⁷ MHCLG, *Planning Practice Guidance, Viability, Paragraph: 001 Reference ID: 10-001-20251216*.

- the Committee Report to the 30th September 2025 Strategic Planning Committee, which confirmed that the aspiration would not be met without public subsidy. It also suggested that lower levels of affordable housing would also be unviable; and
- evidence prepared from the Cranbrook Plan, which confirmed that the expansion areas could only viably support 15% affordable housing.

7.33 It is therefore likely that, in respect of the Marlcombe new community, a modification will be required to Strategic Policy HN02.

7.34 The Cherwell Group have suggested that a more *justified* and *effective* strategy for the emerging Policy to adopt in relation to the expectations of affordable housing at Marlcombe, would be to establish a minimum quantum of affordable housing that could be viably delivered from the new community, and then to require developers to seek public subsidy up to the aspirational level of affordable housing. This would also provide a better fit with national planning policy.

7.35 Additional benefits would also result, including it:

- providing a more precise assessment of the levels of affordable housing that would be delivered from the Local Plan (without reliance on public subsidy), from which an assessment could be made of the extent to which affordable housing need within the District would be addressed; and
- would not delay developments from coming forward, whilst viability assessments were considered. This is particularly important given Document HOU-001(rev) envisages first completions at Marlcombe in 2029/30, whilst para. 74 of the NPPF requires local planning authorities to identify opportunities for supporting rapid implementation when considering larger scale development, such as new settlements.

Suggested changes

LOCATION	AFFORDABLE HOUSING AS A PERCENTAGE OF THE SITE TOTAL	TENURE MIX OF THE AFFORDABLE HOUSING
Marlcombe	<p>An aspiration for 40% subject to grant funding and bespoke viability work for the new community</p> <p>XXX% [to be determined via the viability assessment underpinning the emerging Local Plan]</p> <p>Applicants for development within the new community will be required to seek public subsidy to increase levels of affordable housing provision from XXX%, up to 40%.</p>	[to be determined via the viability work]

POLICY HN03 – HOUSING TO MEET THE NEEDS OF OLDER PEOPLE - MODIFICATION REQUIRED

- 7.36 For developments of 200 dwellings or more, emerging Policy HN03 requires at least 10% of the dwellings provided within the development to be specialist older person dwellings. Over the longer term, this could equate to 1,000 homes within the second new community.
- 7.37 Whilst potentially having a significant impact on its delivery and viability, the Cherwell Group is also concerned that the application of Strategic Policy WS01 and emerging Policy HN03 could create 'mutually irreconcilable' policy tensions.
- 7.38 For instance, at present, the Council's masterplan does not propose a local or neighbourhood centre within the Axehayes Farm element of the new community. Should that distribution of land uses be taken forward into the site wide masterplan to be agreed during the development management process, then any proposal that included such services and facilities within Axehayes Farm would conflict with Strategic Policy WS01. However, equally, there will remain a requirement for the development proposals to provide housing for the elderly, which, as stated within limb B of the Policy, will need to be within 400m walking distance of local facilities and shops.
- 7.39 To remedy the effectiveness of the Policy, either:
- a greater flexibility should be included within the Policy or its supporting text; or
 - the Local Planning Authority should consider specifically allocating specialist accommodation in the right locations, rather than relying on all housing allocations to make a contribution to meeting needs; or
 - in the case of the new community, Strategic Policy WS01, or its supporting text, should confirm that such provision should be located within 400m of the town and local centres.

POLICY HN04: ACCESSIBLE AND ADAPTABLE HOUSING – OBJECT

- 7.40 The PPG states³⁸ that local planning authorities should set out how they intend to approach demonstrating the need for M4(2) (accessible and adaptable dwellings) and/or M4(3) (wheelchair user dwellings). It suggests a range of factors which should be taken into account, and which include:
- the likely future need for housing for older and disabled people (including wheelchair user dwellings);
 - size, location, type and quality of dwellings needed to meet specifically evidenced needs (for example retirement homes, sheltered homes or care homes);
 - the accessibility and adaptability of existing housing stock;
 - how needs vary across different housing tenures; and
 - the overall impact on viability.
- 7.41 The evidence base supporting the Plan³⁹ suggests that the combined need for both Category M4(2) and M4(3) housing is between 3,357 and 8,343 homes. The upper limit assumes that no households are able to adapt their own home, or to move to a home in the existing housing stock to meet their needs. This represents between 16% and 40% of the overall housing requirement.

³⁸ MHCLG, *Planning Practice Guidance, Housing: optional technical standards*, Paragraph: 007 Reference ID: 56-007-20150327.

³⁹ ORS, *Local Housing Needs Assessment (2025)*, para. 7.60.

7.42 Assuming that no M4(2) or M4(3) units have been secured in the period between 1st April 2020 and 31st March 2025, then the requirement for accessible and adaptable housing would be between 20% and 50% of the residual housing requirement (16,705).

7.43 As such, the only way that the emerging target for accessible and adaptable housing proposed within Policy HN04 (50%) is *justified*, is on the basis that no such housing was secured in the period 2020 to 2025 and no existing household in the period up to 2042 will be able to adapt their home, or are not able to move to an existing home to meet their needs. As Strategy 36 of the 2016 Local Plan requires, on developments of 10 homes or more, that all affordable homes and 20% of open market housing to be constructed to Category M4(2) standards, this seems unlikely.

7.44 Consequently, the Cherwell Group consider that the Policy is not *justified*.

POLICY SE05: EMPLOYMENT AND SKILLS STATEMENTS – MODIFICATION REQUIRED

7.45 The Cherwell Group are supportive of the use of employment and skills statements being required to be approved and implemented alongside development. This will ensure that social value and economic development is realised at a local level from the construction phase.

7.46 Notwithstanding this in principle support, it is noted that as currently drafted, Policy SE05 requires employment and skills statements to be “*submitted with the planning application.*” However, often in the case of strategic development, applications will be submitted in multi-stages, with the principal decision often not providing exact certainty over the quantum of development that will ultimately be approved at the subsequent stages of the planning process. This is important as Guidance produced by the National Skills Academy for Construction and the Construction Industry Training Board requires an understanding of the construction value of the development, which may only be known once reserved matters have been approved.

7.47 It therefore may be a more *justified* proposition to advocate an approach where the requirement for employment and skills strategies is a conditional requirement of a principal permission, with the requirement for the work to be prior to the commencement of development.

STRATEGIC POLICY PB05 – BIODIVERSITY NET GAIN – OBJECT

7.48 Strategic Policy PB05 requires, unless there is a demonstrable viability concern, major development proposals to deliver a net gain of biodiversity of at least 20%, calculated using the most up-to-date statutory metric.

7.49 The Cherwell Group have a number of concerns regarding emerging Strategic Policy PB05, including:

- consistency with national planning policy and guidance;
- other concerns; and
- consistency with evidence.

7.50 Each is addressed in turn below.

Consistency with national planning policy and guidance

7.51 The Cherwell Group consider that the requirement for a minimum 20% net gain for biodiversity to not be based on proportionate or credible evidence. The PPG confirms⁴⁰ that:

“Plan-makers should not seek a higher percentage than the statutory objective of 10% biodiversity net gain, either on an area-wide basis or for specific allocations for development unless justified. To justify such policies they will need to be evidenced including as to local need for a higher percentage, local opportunities for a higher percentage and any impacts on viability for development.”

7.52 The Cherwell Group do not consider that the tests outlined in the PPG to justify a higher percentage than the statutory minimum have been met and therefore the higher percentage proposed in Strategic Policy PB05 is not *justified*.

7.53 An analysis of each of the requirements set out in the PPG is provided below.

Local need

7.54 The justification for the 20% target is provided within para. 13.25 of the emerging Local Plan. The justification includes the District housing significant conservation assets, substantial environmental designations and the need to accommodate high development pressures. This justification, however, is not unique to East Devon. Indeed, the Cherwell Group is aware that the neighbouring authority, Teignbridge District Council, is proposing a net gain that aligns with the statutory minimum⁴¹, despite housing:

- two Special Areas of Conservation;
- a Special Protection Area;
- 18 Sites of Special Scientific Interest;
- 1,200ha of ancient woodland; and
- 160 County Wildlife Sites.

7.55 It also has significant development pressures.

7.56 Moreover, even if the justification provided is accepted as the evidence to suggest that a net gain greater than 10% was justified, no evidence is provided to suggest that the appropriate level is 20%.

7.57 The Cherwell Group also note that para. 13.25 of the Policy's supporting text states that:

“Recent evidence suggests that a 10% BNG target without species management provides negligible gains. Therefore, the council applies the precautionary principle to ensure effective biodiversity gains. Increasing BNG to 20% is feasible and necessary for significant ecological benefits.”

7.58 The underlying principle of biodiversity net gain is that habitats are a proxy for biodiversity. If the statutory minimum requirement is, as is being suggested, only providing negligible net gains, then it is unlikely that an increase in the quantum of similar habitats to achieve a 20% net gain will resolve the issue, as it will continue to result in the same habitats being provided, which are not working, and for those habitats to be managed in the same way.

⁴⁰ MHCLG, *Planning Practice Guidance, Biodiversity Net Gain, Paragraph: 006 Reference ID: 74-006-20240214*

⁴¹ *Teignbridge Local Plan Main Modifications, Policy EN10.*

7.59 Certainly, the Cherwell Group can find no evidence to suggest that the increase is necessary for ecological benefits. Ordinarily, it would be expected that to justify a higher requirement, there would be a need to demonstrate that species/habitat loss and fragmentation is higher in East Devon compared to the national position, but no such evidence has been provided.

Local opportunities for a higher percentage

7.60 No evidence has been provided to suggest that a 20% net gain is feasible in East Devon. In other areas of the Country (e.g. Tower Hamlets), where previously developed land has been used to meet the majority of identified need, achieving a higher net gain than the statutory minimum is relatively easy, as the baseline is either extremely low, or zero.

7.61 However, in East Devon's case, as confirmed in the Plan's Sustainability Appraisal⁴², previously developed land that has been assessed as being potentially suitable for redevelopment is a "*relatively small proportion of overall potential land supply*," meaning that most development will be proposed on undeveloped land, including agricultural land. Whilst this may be considered to be of a relatively low ecological value, in many cases, this does not necessarily equate to a low biodiversity net gain baseline, particularly in comparison to previously developed land. Consequently, the achievement of a 20% net gain will be harder to demonstrate.

7.62 In East Devon's case, no analysis has been provided to suggest that there is sufficient land available to demonstrate that the proposed 20% requirement is feasible.

7.63 It is the experience of the Cherwell Group's ecologist, GE Consulting, that achieving a 10% net gain on site is difficult to achieve. The higher requirement of 20% is likely to lead to an increased requirement for the use of off-site credits. This will place additional demand on habitat banks, but at present, there are no registered habitat banks within East Devon on the National Register and only one potential bank is identified on the Devon Off-Site Biodiversity Net Gain Survey Map⁴³, which is listed as being under discussion with the Local Planning Authority.

7.64 Suitable habitat banks will be even harder to establish, due to:

- the emerging Policy limiting offsetting to within, adjacent to or contributing to the Nature Recovery Network (see Strategic Policy PB06); and
- restrictions on habitat creation are placed on sites within a 13km zone around Exeter Airport, reducing the opportunity for meaningful habitat creation in this location, which is, in any event, an area where strategic development is proposed.

7.65 Given the lengthy process for establishing a habitat bank, it is likely that there will be a deficit in locally available habitat banks at the point that the emerging Policy would come into effect (2027/28).

7.66 Whilst, as is confirmed at paras. 13.26 and 13.27 of the emerging Plan that "*BNG can be integrated with SANG and other mitigation measures*" and "*BNG delivery opportunities also exist through nutrient neutrality and Landscape Recovery schemes*," such locations are subject of the additionality rules, whereby this can only be used up to no net loss and not the full requirement.

7.67 Given the above, there is the potential, given the lack of readily available opportunities, that the proposed Policy approach could stifle development coming forward.

⁴² Page 136.

⁴³ <https://www.devon.gov.uk/environment/wildlife/biodiversity-net-gain/devon-biodiversity-net-gain-map>

Viability

- 7.68 A net gain requirement of 20% will have an impact on development viability.
- 7.69 Work undertaken by DEFRA has demonstrated that a 20% net gain requirement would add c.19% to the net gain costs, to the minimum requirement of 10%⁴⁴. It is instructive to note that this cost input appears to have been used within the emerging Local Plan's viability work. However, rather than concluding that 20% was the most appropriate level, the DEFRA impact assessment concluded that:

“While this suggests that varying the level of net gain between 5% and 20% has very limited impact on the outcome, there is a trade-off between cost implications for developers and the likelihood of net gain being delivered at a national level (e.g. less costly/likely at 5% net gain compared to 10%, and vice versa for 20%). Our chosen policy approach, which sets out that 10% is the right level to demonstrate net gain, considers this trade-off among other issues.”

- 7.70 A higher net gain requirement may also, for the reasons set out above, require off setting. With limited opportunities available within East Devon, the price of off-site credits may mean that costs increase to a higher level than is assumed in DEFRA's work, which has been taken forward into the Council's own evidence base⁴⁵.
- 7.71 Given the conclusions above, it is considered that a more *justified* and *effective* conclusion would be, for the same reasons as set out within DEFRA's work, to reflect the national position.

Other concerns

- 7.72 The Cherwell Group note that the emerging Policy requires, where off-site habitats are created or enhanced to deliver net gain, in full or in part, for the delivery to be provided within the locality of the impact. Notwithstanding that this does not necessarily meet national guidance regarding biodiversity net gain (i.e. it ignores the spatial multiplier rules), for the reasons set out above, it will, for the area where the majority of development within East Devon is being proposed, be difficult to achieve, for there are restrictions on habitat creation within 13km of Exeter Airport.

Consistency with evidence

- 7.73 Table 3.1 of the 'East Devon – Options Appraisal for a Potential New Settlement' Report confirms that the assessment was undertaken on the basis of a 10% biodiversity net gain requirement, rather than the 20% contained within the emerging policy.

Summary

- 7.74 The assessment work provided above clearly demonstrates that there is, against the test provided by the PPG, no evidential basis for applying a policy requirement for a 20% biodiversity net gain. No locally specific circumstances have been identified that demonstrate a need for a higher requirement (any higher requirements than 10%, including 20%), that there are opportunities locally to meet the higher requirement and that it would not impact on development viability.
- 7.75 Consequently, the Cherwell Group consider that Strategic Policy PB05 is, as currently drafted, *ineffective, unjustified and not consistent with national planning policy*. It is therefore unsound. The national minimum biodiversity net gain level (10%) should be taken forward in future versions of the Plan.

⁴⁴ Para. 6.11.2 of the *Biodiversity net gain and local nature recovery strategies: impact assessment*.

⁴⁵ Document CSD-004, para. 4.29 and Document CSD-004a, Appendix A.

Suggested changes

“Major ~~All~~ development proposals will need to deliver biodiversity net gain (BNG) of at least 20% ~~10%~~ to be calculated using the most up-to-date statutory metric. ~~Where there is a demonstrable viability problem to achieve this target, it will be expected that all measures to exceed the national minimum requirements are made, and evidence for not achieving the 20% target is provided in full. Non-major developments will be required to secure at least 10% BNG.”~~

And

“~~Where offsite habitats are created or enhanced to deliver BNG, in full or in part, the delivery should be provided within the locality of the impact and contribute to ecological networks and published strategies in accordance with BNG principles.”~~

STRATEGIC POLICY PB06: LOCAL NATURE RECOVERY STRATEGY (LNRS) AND NATURAL RECOVERY NETWORK – OBJECT

7.76 The Cherwell Group object to Strategic Policy PB06.

7.77 As currently drafted, the proposed Policy places an expectation that any off-site biodiversity net gain, or other off-site biodiversity contributions tied to a planning permission for development will be located within, adjacent or otherwise contribute to the national recovery network.

7.78 This, however, seemingly runs counter to the national approach adopted, which incorporates a hierarchy and a spatial risk multiplier embedded within the national approach to biodiversity net gain.

7.79 It is therefore *inconsistent with national planning policy*. Moreover, no evidence has been provided to *justify* this approach.

POLICY OS02: SPORT, RECREATION AND OPEN SPACE PROVISION IN ASSOCIATION WITH DEVELOPMENT - MODIFICATION REQUIRED

7.80 Whilst it is confirmed that Policy OS02 does not apply to allocations for built development at Cranbrook, it appears that it does apply for Marlcombe. However, the Policy proposes a differing occupancy rate to that proposed in Strategic Policy WS01.

7.81 So as to ensure that the Policy is *clearly written* and *unambiguous*, a consistent approach should be adopted between both policies.

8 Viability – General comment

- 8.1 The Cherwell Group are aware that the Local Planning Authority is currently finalising their fully costed IDP and bespoke viability assessment for Marlcombe. They understand that these elements of work will be available prior to the Examination in Public. As part of the ongoing collaboration with East Devon District Council, the landholder interest group look forward to assisting the Local Planning Authority finalise both documents prior to the Examination in Public.
- 8.2 The Cherwell Group (and the wider landholder interest group) reserve the right to comment on these documents in due course. However, to aid the preparation of this work, they have commissioned Chesters Harcourt to undertake a review of all the Council's recent plan-making stage viability work and to suggest various methodological inputs that should be incorporated into the Council's ongoing work. This work is provided at Appendix 3. Summarily, it confirms that:
- The Policy aspiration for 40% affordable housing, 65% of which is to be social rent housing, is unlikely to be achievable without significant public subsidy. This conclusion has been reached having regard to:
 - Documents CSD-004 and 004a, which conclude that in areas outside Marlcombe and Cranbrook, only 35% affordable housing would be viable. It is likely that sites within these areas will have a significantly lower developer contributions package than will be required at Marlcombe;
 - the Committee Report to the 30th September 2025 Strategic Planning Committee, which confirmed that the 40% aspiration would not be met without public subsidy; and
 - evidence prepared from the Cranbrook Plan, which confirmed that the expansion areas could only viably support 15% affordable housing.
 - As outlined in national planning policy and guidance, there is a need for a viability assessment to be undertaken at the plan-making stage, to ensure that policies are realistic. Moreover, for strategic sites, such as Marlcombe, which are essential for the achievement of the Plan, it may be necessary for specific viability assessments to be undertaken. As a specific viability assessment was undertaken in support of the Cranbrook Plan, the approach being adopted by the Council in respect of Marlcombe is supported.
 - As confirmed in the NPPF⁴⁶, the methodology that should be employed when preparing the bespoke Marlcombe viability assessment is established in the PPG. Put simply, this requires an assessment of gross development value (GDV), an assessment of costs and allowances for benchmark land values (BLV) and developer profit.
 - Given the recent experience at Cranbrook, consideration should be given to following the same approach and inputs used in that case, with any variations justified.
 - Suggested inputs are provided, including:
 - The evidence base underpinning the emerging Plan suggests a blended GDV figure for Cranbrook of £3,706 psm as at January 2024. This is considered to be optimistic. Moreover, the intent of Strategic Policy WS01, which includes high density levels in certain parts of the new community, may impact on revenue, as a high proportion of apartments and flats will reduce GDV on a £ psm basis.
 - Given the ambitions relating to high-quality design and the use of specific materials, build costs above BCIS Lower Quartile figures for schemes of 250 or more homes should be considered. There is a suggestion to adopt the lower quartile construction rate, but to make

⁴⁶ Para. 58.

explicit allowances for the additional costs associated with meeting elevated levels of design or construction quality. Such an approach has been adopted in Documents CSD-004 and 004a in relation to other matters.

- Other build costs, such as garages should also be allowed for in line with the approach adopted in Documents CSD-004 and 004a. However, it is recognised that Policy TR04 confirms that garages will not be counted as parking provision. This may also have a cost implication though, with higher levels of external work allowances likely to be required.
- As at Cranbrook, a costs assessment is likely to be required. The work undertaken at Cranbrook suggested an allowance of 6% of costs for professional fees was made.
- Appropriate allowances for any site profiling and cut and fill that will be required. This will be important, for instance, given the approach adopted in relation to the education campus.
- A complete and fully costed list of infrastructure required from the development should be accounted for. Depending on the outcome of the initial viability work, it may be necessary to undertake a review of this list and identify items of infrastructure that are of a lesser priority. Such an approach was adopted at Cranbrook.
- Strong consideration should be given to establishing a new CIL rate at Marlcombe of £zero psm. This would provide the opportunity for contributions to be timed to match requirements on a bespoke basis, aiding cashflow.
- An allowance should be made for the Building Safety Levy.
- The funding of any Master Developer should be accounted for.
- Other costs that should be accounted for include:

TABLE 2: SUGGESTED VIABILITY INPUTS

TYPE	ALLOWANCE
Finance rate	7%
Marketing fees	3%
Agents and legal fees	1.75%
SDLT	Prevailing tax rate
Developer profit	15-20%

- an existing use value of between £25,000 and £35,000 per hectare. Using the approach adopted in the Council's published viability work, this would generate a BLV of between £250,000 and £700,000 per hectare. It is noted that the rate applied at Cranbrook was £300,000 per hectare. This should be applied on the gross land area.

9 The evidence base

9.1 As has been demonstrated in the previous sections of this representation, the Cherwell Group are generally supportive of the emerging Local Plan, including the proposed second new community. However, they do have a number of concerns relating to the evidence base underpinning the Plan. Their main concerns primarily relate to: (1) the IDP (Document KSD-001) and the 'East Devon – Options Appraisal for a potential New Settlement' Report (Document NWC-001). However, they also have more minor concerns in relation to the Housing and Economic Land Availability Assessment (HELAA). These concerns are outlined in turn below.

IDP- DOCUMENT KSD-001

9.2 The Cherwell Group note that the IDP (ref: KSD-001(rev)) identifies a number of projects associated with the Marlcombe new community, the West End and the District as a whole. In some instances, the cost of these projects is undefined in the assessment work.

9.3 In order to accord with para. 34 of the NPPF, which requires that plans set out the contributions expected from development, including in relation to affordable housing and infrastructure, there will be a need for these items of infrastructure to be fully costed. This would allow, as is required by the NPPF, for an assessment of whether such contributions will undermine the deliverability of the plan and therefore its *effectiveness*.

9.4 In addition, there are a number of items of infrastructure that are referred to in Strategic Policy WS01 as being listed in the IDP, which are not. These include community energy/heating provision, on-site renewable energy generation and drainage and sustainable drainage systems.

9.5 Moreover, there are items contained within the IDP that are Marlcombe related projects, which have not been identified in emerging Strategic Policy WS01. These include:

- a fifth primary school (Project EDU-13);
- community centres (Project COM-5);
- youth, children's and library facilities (Project COM-8);
- the community builder (Project COM-10);
- SANGS delivery and enhancement maintenance contribution in perpetuity (Project ENV-3);
- on-site tennis courts, other courts, greens, tracks and trails (Project REC-6);
- the new sewerage treatment works (Project UTI-6).

9.6 These inconsistencies between Strategic Policy WS01 and Document KSD-001(rev) should be remedied so as to ensure that the new community is *effective*.

EAST DEVON – OPTIONS APPRAISAL FOR A POTENTIAL NEW SETTLEMENT REPORT – DOCUMENT NWC-001

9.7 The Cherwell Group's comments regarding Document NWC-001 to the First Regulation 19 consultation remain relevant.

HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT

9.8 The Cherwell Group's comments regarding Document HOU-003 to the First Regulation 19 consultation remain relevant.

10 Summary and conclusions

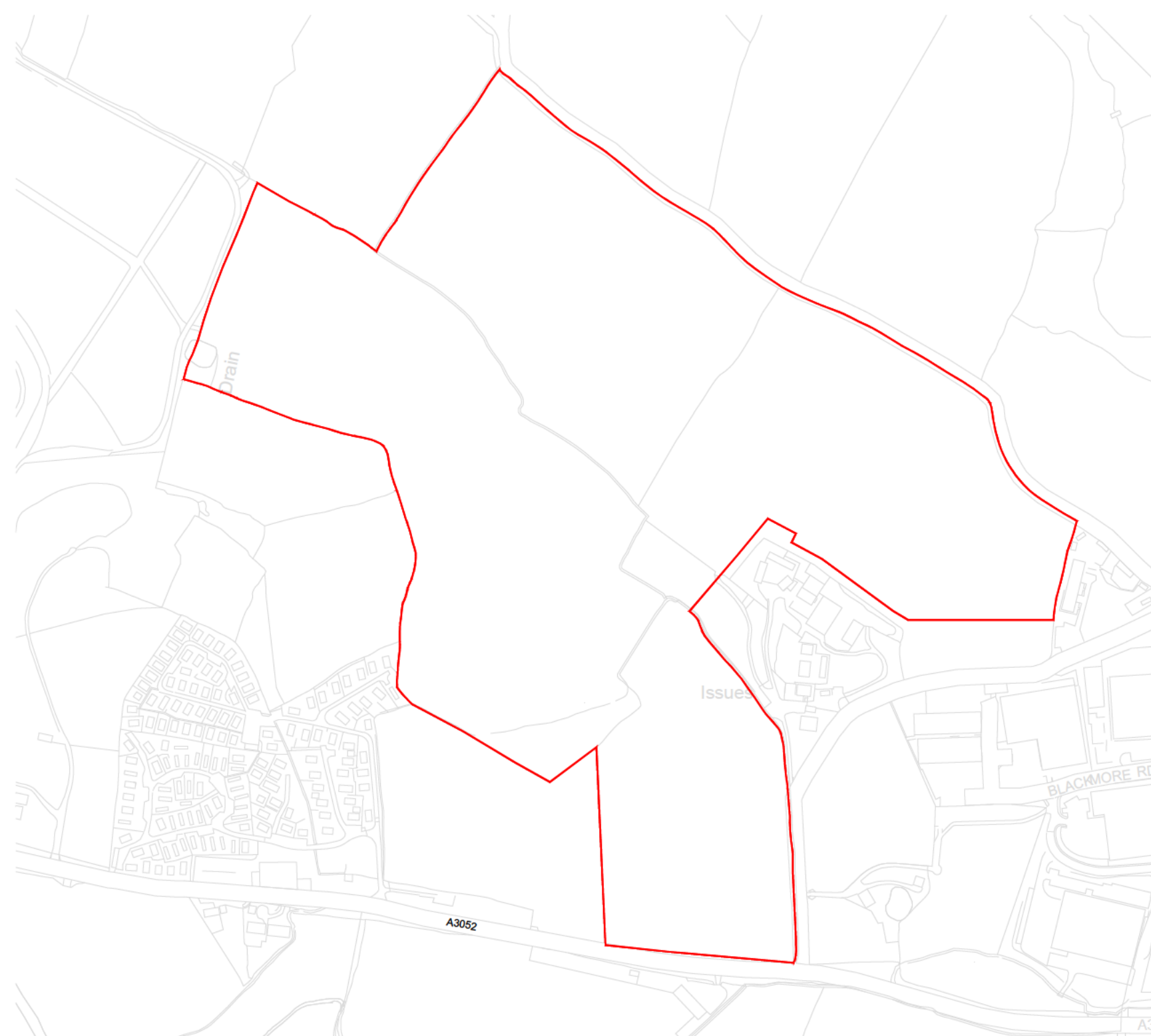
- 10.1 These representations to the Second East Devon Local Plan Regulation 19 consultation are submitted on behalf of the Cherwell Group. The Cherwell Group have a controlling land interest on land to the north of the A3052 and to the west of Yeo Business Park and Hill Barton Business Park. The site is known as Axehayes Farm. Their land interest corresponds with the south western portion of the land proposed for allocation at Strategic Policy WS01 of the emerging Local Plan, to form the Marlcombe new community. It follows that the Cherwell Group strongly support the allocation of land at the Marlcombe new community.
- 10.2 Since the previous Regulation 19 consultation, the Cherwell Group and the other major landholders within Marlcombe have formed a landholder interest group. It includes a national housebuilder, a developer/promoter, a promoter and a developer of employment land and energy infrastructure. The skillset and knowledge of this landholder group make it well-placed to support, in partnership, East Devon District Council in bringing forward their proposals, for what will be their second new community.
- 10.3 The evidence justifying the allocation of land at Marlcombe is compelling. It provides a strong fit with the Plan's spatial strategy, which seeks to focus development in the less environmentally sensitive areas of East Devon and close to the regionally significant city of Exeter. Whilst the Policy seeks to encourage internalisation, Marlcombe will also be located in close proximity to the services, facilities, jobs and active and sustainable transport facilities within East Devon's West End and Exeter. Following an assessment of three differing options to accommodate a New Town, the Plan's technical work concluded that it was the most appropriate location. It has also been the subject of a four stage, iterative sustainability appraisal process. It is therefore a sound proposition.
- 10.4 In terms of Strategic Policy WS01, the Cherwell Group make the following comments:
- As drafted, Strategic Policy WS01 is unusually long, spanning some seven and a half pages. There is a concern that given its length, it does not provide a clear and concise framework to guide future applications. It also duplicates other policies proposed within the emerging Local Plan, and even in some instances, the same policy objective is covered more than once in Strategic Policy WS01.
 - There is a lack of clarity over the required scale of infrastructure that is to be provided within the land allocated in the emerging Plan. Some items of infrastructure are specified to accommodate the ultimate size of Marlcombe (and potentially wider areas), whilst other requirements in the Policy have been sized to accommodate the quantum of development allocated in Strategic Policy WS01 (8,000 homes).
 - The Cherwell Group have a number of concerns relating to the Council's masterplan, including in relation to the location of the education campus and the size of the proposed sustainable drainage system. In particular, they consider that the portion of Axehayes Farm where the education campus is proposed is topographically challenging. Whilst it is feasible for an education campus to be located in this area of Marlcombe, it will require significant earthworks, which will generate abnormal costs. They suggest that the education campus would be better located on more level land, to the north west. A number of additional benefits would arise from such a design response. They do, however, acknowledge that these matters can be explored further during the preparation of the site wide masterplan.
 - Given the scale of the new community, it will need to be undertaken on a phased basis. The required phasing strategy should be prepared in collaboration with the landholder interest group, who will ultimately be responsible for delivering Marlcombe.
 - The allocation of strategic levels of residential development at Marlcombe is supported. It will make the most significant contribution to meeting East Devon's housing requirement, accounting for around one in every six homes that will come forward over the plan period.


- It is considered that the Council's housing trajectory for the new community is ambitious, but in overall terms, past and forecast delivery rates would suggest that it is *deliverable*. It will, however, require planning applications to be prepared prior to the adoption of the Local Plan and in parallel with the Examination in Public.
- The 'aspirational' target of 40% affordable housing (with public subsidy) is not sufficiently clear, is not effective and does not accord with national planning policy. It also does not provide a sufficiently clear basis from which to be able to assess whether the District's affordable housing needs will be met over the plan period. Instead, the emerging Policy should establish a viable 'baseline' level of affordable housing, which should be informed by a viability assessment that fully accounts for all developer contributions. The Policy could then require applicants to explore whether public subsidy was available to achieve the Policy aspiration of 40%.
- Further evidence is required to justify many of the items of infrastructure that are currently required by the Policy. In some cases, there is a need for further clarity over where the items of infrastructure are to be located and their scale. Further clarity around these points would not only assist with decision-making, but would also provide robust inputs into the Local Plan's viability work.
- The form, timing and how the site wide masterplan, the phasing strategy and the infrastructure delivery strategy are to be prepared and agreed is unclear. The same level of engagement should be required for these elements of work as the parameter plans.
- Unless a proposal is seeking to depart from the Plan's affordable housing and infrastructure requirements, a financial appraisal should not be required through the development management process.

10.5 In addition, they have also made a number of suggested modifications to other more development management focused policies in the emerging Plan.

10.6 The Cherwell Group are aware that the bespoke viability work for Marlcombe is currently being prepared. In the spirit of collaboration, their viability consultant has confirmed the methodological approach that should be adopted, together with suggested inputs.

Appendix 1. Site location plan



 Site Boundary - 34.64Ha



Status

Final



Client:

The Cherwell Group

Project title:

**Axehayes,
Exeter**

Drawing title:

Site Location Plan

Scale: 1:5000@A4 | Revision: - | Drawing no.: 01

Drawn by: DR | Date: 27.03.2025 | Checked by: -

Notes:

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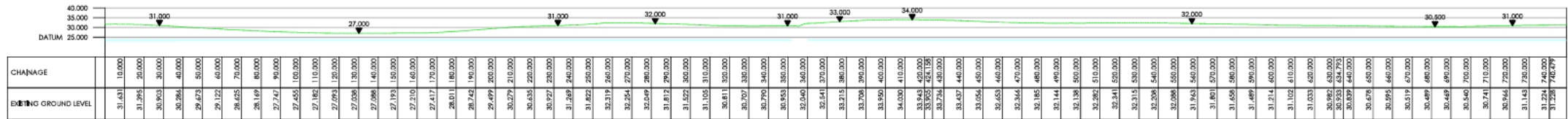
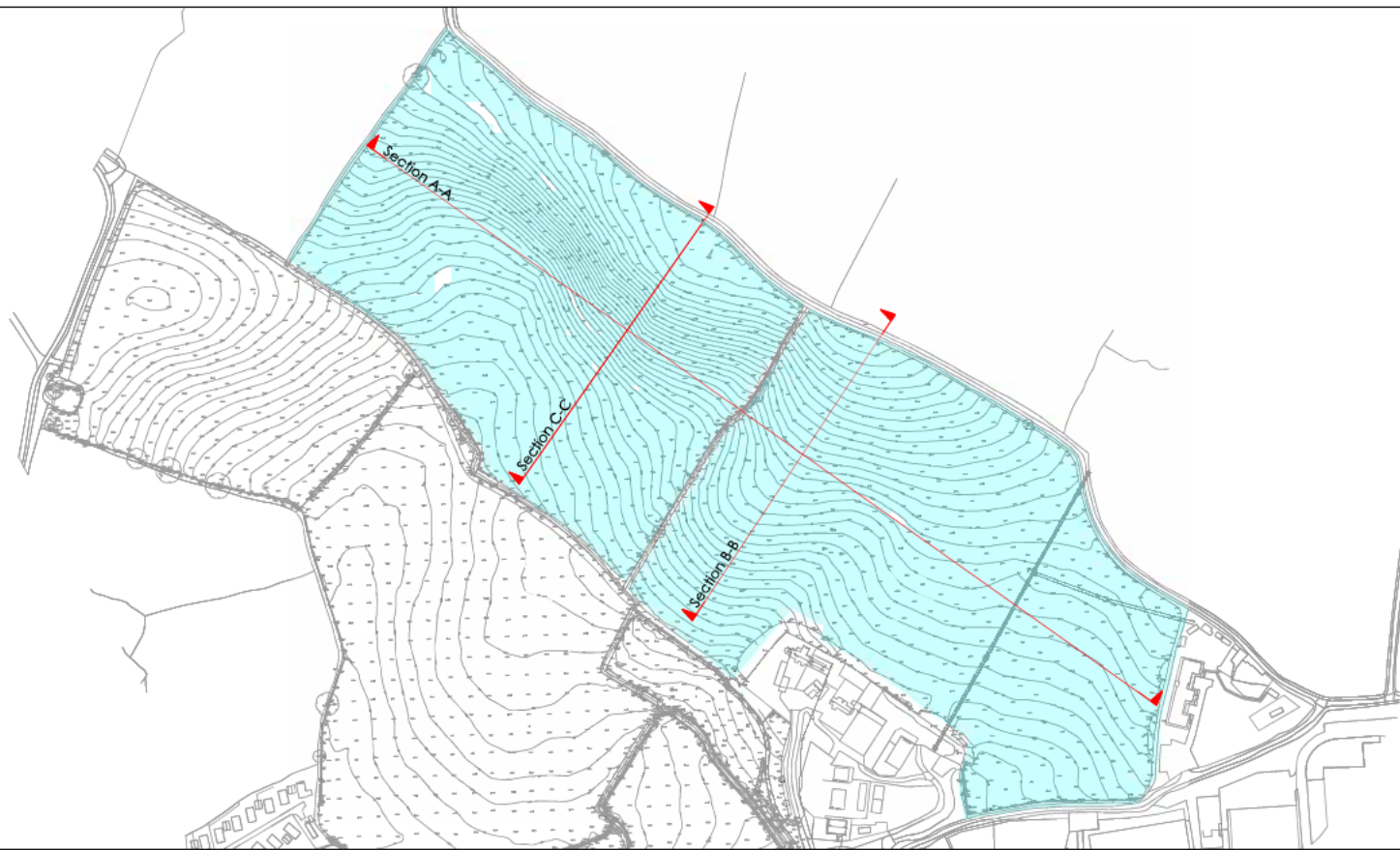


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B4 6AA
t: 0121 214 0001

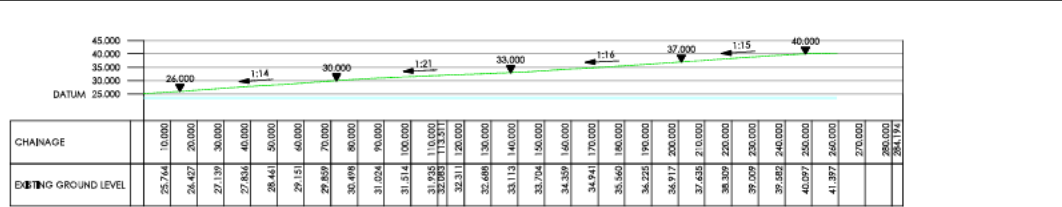
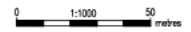
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One Temple Quay,
Temple Back East, BS1 6DZ
t: 0117 906 9400

w: www.marrons.co.uk e: info@marrons.co.uk

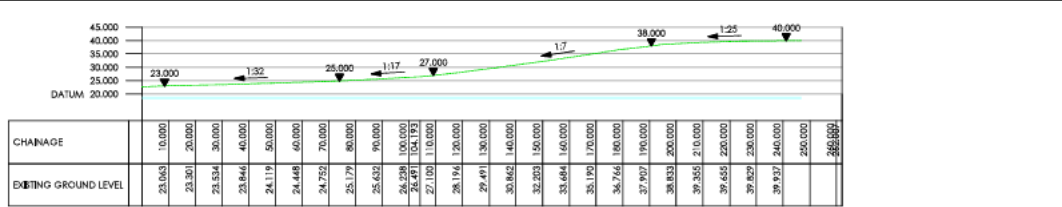
Appendix 2. Education campus levels



Section A-A



Section B-B



Section C-C



PROJECT: AXEHAYES FARM, EAST DEVON																			
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AMP (Exeter) LLP, Axehayes Farm, Hill Street, Exeter, EX2 9TU
Tel: 01392 40527 Web: www.ampexeter.com

Appendix 3. Initial comments on viability

**VIABILITY REPRESENTATIONS
EAST DEVON LOCAL PLAN
SECOND REGULATION 19 CONSULTATION**

IN RESPECT

OF

**AXEHAYES FARM, CLYST ST MARY,
DEVON, EX5 1DP**

PREPARED

ON

BEHALF OF

THE CHERWELL GROUP

BY

J J READ BSc MSc MRICS

Chesters Harcourt

First Floor, Motivo House, Bluebell Road, Yeovil, Somerset, BA20 2FG

23rd January 2026

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1.0 INTRODUCTION

- 1.1 In accordance with instructions from the Cherwell Group ("**Cherwell**"), which benefits from a controlling land interest in Axehayes Farm, Clyst St Mary, Devon, EX5 1DP, I set out below representations to East Devon District Council ("**EDDC**") on viability issues to the Second Regulation 19 consultation of the East Devon Local Plan.
- 1.2 Cherwell have a controlling land interest in a part of the proposed second new community or Marlcombe ("**Marlcombe**") as it has been named by the Council. Marlcombe is coming forward in the emerging East Devon Local Plan 2020 – 2042 (the "**Emerging Local Plan**"). My comments are therefore made in the context of this proposed development.
- 1.3 The Emerging Local Plan is being examined against the 2023 version of the National Planning Policy Framework ("**NPPF**") and National Planning Practice Guidance ("**NPPG**") in place at that time. Some of the NPPG as it refers to viability was revised in December 2025 and I therefore refer to the earlier version in those circumstances.
- 1.4 I am advised that it is intended that a dedicated viability assessment will be prepared to cover Marlcombe however this does not form part of the current consultation. I have previously reviewed the Local Plan Viability Assessment prepared by Three Dragons dated January 2025 (the "**Three Dragons Report**") and my comments in that respect formed part of the response I prepared to the First Regulation 19 consultation of the East Devon Local Plan.
- 1.5 I note that an Addendum (CSD-004-REV), (the "**Addendum**") forms part of the evidence base for this Second Regulation 19 consultation and my commentary in that respect is set out within this response.
- 1.6 It is also noted that the Infrastructure Delivery Plan ("**IDP**") requirements for the New Community have not been fully developed and consequently these representations constitute interim comments pending the Councils further consideration of this issue.
- 1.7 It is also understood that EDDC intend to undertake a Community Infrastructure Levy ("**CIL**") review after the Local Plan process, and that this review is likely to adopt a new CIL rate for Marlcombe. Nevertheless, at this stage the factual position is that Marlcombe falls into the

£150 zone (where the 2026 rate equates to £180.18 psm). In the absence of unequivocal confirmation from EDDC to the contrary we have to assume that this rate will prevail and consequently will be taken into account in the assessment of Local Plan Policies.

2.0 QUALIFICATIONS

2.1 These Representations have been prepared by John Read BSc (Hons) MSc MRICS. I am a Chartered Surveyor and Director of Chesters Harcourt. I am also an RICS Registered Valuer and have successfully undertaken the Level 7 Advanced Professional Award in providing Expert Witness evidence.

2.2 I am a member of the RICS Presidents Panel of Independent Experts specialising in development land valuation disputes. I am appointed on a wide range of cases dealing with development land and valuation issues including the exercise of Options, overage issues, viability, the valuation of completed schemes and disputes concerning infrastructure and cost principles.

3.0 LOCAL PLAN POLICY COMMENTS

3.1 I have referred in my earlier response on viability issues to the impact of policies on viability. I do not repeat those comments here but would draw attention to the following specific points:

3.2 **POLICY HN02 – Affordable Housing** – Marcombe has been set an aspirational affordable housing level of 40% subject to viability and grant funding with a tenure mix of 65% of Social Rent tenure. It is important in line with the NPPG that policies set the level of planning obligations, including affordable housing at realistic levels (NPPG para 2) to avoid the need for a viability assessment at the decision making stage¹.

3.3 It is understood that the higher level of affordable housing proposed for Marcombe was included in order to align with the aspiration of the Governments New Towns Programme with an expectation that public subsidy would be required based on viability work undertaken to date (as referred to within the Reports Pack for the Strategic Planning Committee for 30th September 2025). Nevertheless, paragraph 35 (d), 10 and 58 of the NPPF confirm that in order for any policy to be found sound, any viability assessment supporting that policy, should follow the recommended approach in the NPPG. Whilst grant funding may be considered as part of a local plan viability assessment it cannot be the starting point in circumstances where any public subsidy cannot be guaranteed.

3.4 The reality is that a policy requirement of 40% affordable housing is unrealistic, (without significant public subsidy,) in the context of the expectations on infrastructure for a new settlement. This has been demonstrated by the existing Three Dragons viability assessment which sets the aspiration for the majority of the rest of East Devon at 35%, even without the expectation on the level of dedicated infrastructure required at Marcombe. In addition, it is demonstrated by the Cranbrook Plan DPD and associated evidence base which has set the affordable housing level for that development at 15%. Document NWC-005 is the Strategic Outline Business Case for Marcombe (“**Marcombe Business Case**”) and at paragraph 2.17 it is indicated that EDDC’s advisors, CBRE, have prepared development appraisals in order to test the viability of 40%, 35% and 20% affordable housing at Marcombe. This would suggest that EDDC and/or their advisors recognise that delivery of 40% or 35% affordable housing would

¹ “...Policy requirements, particularly for affordable housing, should be set at a level that takes account of affordable housing and infrastructure needs and allows for the planned types of sites and development to be deliverable, without the need for further viability assessment at the decision making stage.”

be aspirational. It is my expectation that the justifiable level of affordable housing at Marlcombe (without substantial public subsidy) will be lower than at Cranbrook due to the level of infrastructure required.

- 3.5 **Policy HN03 – Housing to meet the needs of older people** – This policy is supported in principle but the expectations may cause a conflict with those set out in the dedicated policy (i.e. WS01) for Marlcombe, it would make more sense for the expectation to be set out in one policy or the other, not both. It is noted that there is a caveat at the end of the Policy related to viability as it impacts on Cranbrook and the same would appropriately apply for Marlcombe. The aspiration set out in the Policy will need to be factored into a dedicated viability assessment for Marlcombe.
- 3.6 **Policy HN05 – Self-build and custom build housing** – Whilst the principle of this policy is supported, it is noted that Cranbrook is excluded as it has a dedicated policy. The cost of policy HN05 will have to be factored into a dedicated viability assessment for Marlcombe and should the Council, as a result, decide a different delivery level to be appropriate then this policy will need to be amended and/or develop a dedicated policy.
- 3.7 There are a number of other policies which affect viability which will need to be factored into a dedicated viability assessment for Marlcombe and I made comment on this within the First Reg 19 consultation.

4.0 LOCAL PLAN – POLICY WS01

- 4.1 Policy WS01 relating to Marlcombe is supported in principle but has considerable implications for viability of the scheme and the revisions to the wording of this policy propose to add rather than reduce obligations to this scheme. The full elements of the proposed policy, if adopted as currently drafted will need to be considered within a comprehensive viability assessment.
- 4.2 Whilst the revised wording seems to recognise the issue I raised in earlier representations about the distinction between net and gross land areas, the policy aspiration is for a high density scheme which is not reflected in schemes of similar scale elsewhere. The revised policy wording seeks to impose an increased dwelling density by reference to densities within local and town centre areas which risk viability impacts. Increasing density inevitably means a greater proportion of flats and terraced dwellings which is inconsistent with housing demand. Flats in particular deliver lower development margins leaving less monies available to deliver wider infrastructure benefits as desired by the Council. In my opinion minimum and maximum densities of development reduce flexibility and the ability for developers to deliver against policy ambitions.
- 4.3 The requirement to include a mix of house types and sizes is accepted but placing absolute obligations, for example to deliver a 70 unit Extra Care scheme and a care home risks deliverability issues. Whilst it is not disputed that inclusion of such uses is desirable, market demand change over time and such uses are sensitive to competition, consequently flexibility is important to delivery. This element of the policy should be reworded.
- 4.4 Within the Policy there is an expectation that a proportion of the New Community will be provided for gypsy and traveller sites. The effect of a gypsy/traveller site within a development is that lenders will not provide mortgages for housing within proximity of such sites. Whilst the need for such sites is not disputed the location and scale of such sites has to be carefully planned to avoid impacting on delivery of wider housing requirements. This element of the policy therefore risks creating a significant delivery issue as has been identified on other large scale housing allocations in the South West region such as at the Tiverton Eastern Extension where delivery has been delayed to accommodate an alternative solution to that proposed within policy.

4.5 A series of infrastructure is detailed within the Policy, however, without a detailed viability assessment it is impossible to ascertain as to how much of that infrastructure is deliverable and when. It is important that promoters, housebuilders and landowners are provided with certainty at the outset. Whilst the mechanism for seeking retrospective contributions towards infrastructure is not set out, any such mechanism would impact on the ability of developers to fund the scheme and hence risk delivery. Any funding scheme (whether private or public) is dependent on securing repayment and consequently require a significant degree of certainty. Infrastructure aspirations as set out within the IDP should be robustly tested through a comprehensive viability assessment before being established in policy.

5.0 THE THREE DRAGON ADDENDUM

- 5.1 The Addendum reviews the First Regulation 19 responses on viability together with changes since their Report was published.
- 5.2 Three Dragons accept that the Building Safety Levy will impact on viability and they undertake some analysis within the Addendum by assessing the Levy as a proportion of GDV. They similarly address the impact of other policies by reference to the cost impact as a proportion of GDV before combining them to address cumulative impacts. They argue that the impact of these additional costs are broadly de minimis and will not affect viability in the context of rising GDV. In my opinion, by assessing the impact as a proportion of GDV as opposed to margin (i.e. the difference between revenue and build cost) which will be much lower, they are misrepresenting the effect these issues will have on viability.
- 5.3 The overall conclusion is underpinned by an assumption that house price rises will outstrip rises in build cost. Whilst it is accepted that the last 30 to 40 years have been characterised by an undersupply of housing leading to house price rises, that is not to say that this will continue indefinitely. The Government has pledged to deliver more housing and combined with other changes it cannot be assumed that development will continue to absorb all the costs which are thrown at it. In the context of Marlcombe it should be borne in mind that the Councils draft policy anticipates build out rates of 300+ dwelling per annum. Whilst at a national level this may not be significant, at a local level, it will affect the rate of house price growth (as influenced by wider factors).

6.0 VIABILITY FOR MARLCOMBE – NPPF & NPPG REQUIREMENTS

- 6.1 The Marlcombe Business Case indicates within the section (paragraph 2.5) referred to as “critical outputs to date” that a viability analysis has been undertaken for Marlcombe but this does not form part of the evidence base to this Reg 19 Consultation. This is also referred to at section 2.17 and 2.18. In addition, as referred to within the Reports Pack for the Strategic Planning Committee for 30th September 2025 viability analysis has been undertaken for Marlcombe although none of this information appears to be publicly available. It is understood that EDDC intend to develop the viability work through the plan making process including the examination however there should be an opportunity for stakeholders to consider and make representations on that work ahead of examination. I am therefore unable to provide a complete response without that information.
- 6.2 The NPPG (para 2) stresses the importance of viability at the local plan stage to ensure policies are realistic. In relation to Marlcombe, that viability assessment is absent and consequently the policies setting the level of contributions for Marlcombe cannot be fully assessed. Importantly, the NPPG (para 2) stresses that policy requirements should be set at a level that will avoid the need for further viability assessment at the decision making stage, if the viability of those policies is not consulted upon then it is inevitable that further assessment may be required.
- 6.3 Paragraph 3 of the NPPG confirms that more detailed assessment may be necessary for key sites on which the delivery of the plan relies. Paragraph 5 goes on to suggest that for strategic sites a specific viability assessment may be undertaken. In the case of Cranbrook a specific Cranbrook viability assessment was undertaken and the Cranbrook DPD was found to be ‘sound’ by the Inspector.
- 6.4 The NPPF (Paragraph 58)² and NPPG provides guidance on the approach to viability which is reflected in the Introduction to the Three Dragons Local Plan Viability Assessment January 2025. A similar introductory explanation is provided within the CIL Review and Cranbrook Plan

² “....All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.”

DPD Viability Study which forms part of the evidence base to the Cranbrook DPD. In that respect, there should be a consistent approach to the assessment of viability in the Local Plan. Whilst the Strategic Outline Business Case for Marcombe refers to issues around 'land control' and Governance issues, this cannot change the approach to viability for Local Plan Viability purposes, which in simple terms requires an assessment of GDV, an assessment of costs and allowances for Benchmark Land Value and Developers Profit. The vast majority of these may be assessed in line with those adopted in the Cranbrook Viability Study or the Local Plan Viability Assessment January 2025 (appropriately updated as necessary).

- 6.5 The NPPF/NPPG therefore advises that a specific viability assessment should be undertaken for Marcombe. In the light of recent experience at Cranbrook it is appropriate that any viability assessment for Marcombe would follow the same approach as well as inputs used in that case with any variations justified by reference to evidence where appropriate. I understand it is intended that a viability assessment will be provided prior to submission of the Local Plan for Examination in Public.

7.0 INPUTS INTO A VIABILITY ASSESSMENT FOR MARLCOMBE

- 7.1 As referred to in the previous section, the NPPG requires that a Viability Assessment provide an assessment of GDV from which the costs of development, including an appropriate developers profit are deducted to leave a residual land value. That land value can then be compared with a Benchmark Land Value to assess whether a scheme is viable or otherwise. As there is no assessment for Marcombe to consider at this stage I have set out some commentary on some of the considerations which should be taken into account within any such assessment.
- 7.2 In relation to GDV, Table 4.5 within the Three Dragons Report suggests a figure for Cranbrook equating to £3,706 psm on a blended basis as at January 2024. In my opinion this is an optimistic level of GDV for a scheme such as Marcombe where high sales rates are expected to be achieved. It is noted that whilst high sales rates were achieved in the early years of Cranbrook that was with a backdrop of a very low supply of new homes in the wider area and the current figure reflects a maturing established scheme.
- 7.3 Whilst we cannot know the level of wider supply at the point at which dwellings at Marcombe will become available it would be appropriate to adopt a cautious approach with reference to evidence of actual sales prices achieved in Cranbrook having regard to the implications of desired density and housing mix. Policy DS02 refers to maximising density and design codes which may specify density recommendations for key allocations. High density development which includes a high proportion of apartments and or terraced housing will reduce the average GDV on a £psm basis. Land Registry House Price indices show house price growth has been broadly flat since January 2024 and consequently in my opinion the appropriate sales figure is unlikely to exceed that referred to above for Cranbrook.
- 7.4 The Three Dragons Report refers to the use of BCIS Lower Quartile figures for schemes of 250 or more dwellings and indeed this is consistent with the approach taken to the Cranbrook viability assessment. That said, such an approach is inconsistent with certain parts of Policy WS01 which suggests:

“The new community will be built to distinctive high quality design standards, drawing inspiration from the local context including the unique surrounding historic environment,

creating safe and attractive places with a rich character that enhance health and wellbeing. Design should be innovative, with an explicit focus on sustainable construction and building operation and renewable energy production and use.”

- 7.5 The expectation of higher design standard is detailed within the explanatory text before the Policy (paragraph 4.6) which includes reference to the town being an “*exemplar zero-carbon town*” and through the “*use of local materials such as stone and render finishes*”. In addition, Policy DS02 confirms that larger schemes will be required to be supported by a design code which will have an impact on construction cost.
- 7.6 Many of the Garden Village schemes which have been examined have adopted higher base construction rates based on the BCIS Median rate to reflect higher construction costs. An alternative approach, which I prefer, has been to adopt the lower quartile construction rate but to make explicit allowances for the additional costs associated with meeting elevated levels of design or construction quality. This appears to be the approach which has been taken in the Three Dragons report to costs for Future Homes, and updates to Building Regulations but there is no explicit allowance associated with EDDC design requirements.
- 7.7 Other standard build costs such as garages may also be usefully allowed for in line with the figures within the Three Dragons Report. That said, it has to be recognised in the viability assessment that Policy TR04 which refers to parking standards (as referred to within paragraph 11.17) identifies East Devons higher than average car ownership and confirms that garages will not be counted as part of the car parking provision. This has a cost implication which has to be reflected in higher levels of external work allowances within the Marlcombe viability assessment.
- 7.8 In relation to site specific abnormal costs, external works and infrastructure a cost assessment will be required. The Cranbrook DPD Viability Report included advice obtained from Ward Williams and a similar approach may be taken for Marlcombe. That advice included provision for professional fees at 6% of costs where appropriate which is appropriate provided EDDC accept that complex governance structures will dictate higher fees will be incurred.
- 7.9 It is recognised that complete information in relation to ground conditions and development platforms is unlikely to be available. Nevertheless, appropriate allowances will need to take

account of any site profiling, cut and fill and consequently disposal of material off site (noting increased Landfill Tax which come into effect from 1 April 2026).

7.10 The NPPG (para 1) confirms that Plans should set out the contributions expected from development and that those contributions should be evidenced. At this stage, the Infrastructure Delivery Plan (“IDP”) as it relates to Marlcombe is incomplete as a number of the expected contributions have not been costed or quantified. These include:

- COM-5 (blue light facility);
- COM-6 (Place of Worship and parsonage);
- COM-7 (cemetery);
- COM-8 (youth, children’s and library facility);
- COM-9 (public art);
- COM-10 (community building);
- ENV-1 (Habitat Regulations Assessment mitigation);
- ENV-2 (Clyst Valley Regional Park);
- ENV-3 (SANGs delivery, enhancement and maintenance);
- ENV-4 (green infrastructure provision);
- REC-4 (play areas);
- REC-5 (on-site provision of natural grass sports pitches, AGP/s, sports pavilion and car park);
- REC-6 (on-site provision of tennis courts, other courts, greens, tracks and trails);
- REC-7 (leisure centre);
- TRA-17 – (works to increase capacity at J29 and J30 of the M5);
- TRA-22 (mobility hubs);
- TRA-26 (travel planning);
- HEA-10 (integrated neighbourhood health hub);
- HEA-11 (70 unit extra care housing scheme);
- HEA-12 (C2 residential care home with dementia care provision);
- UTI-6 (a new sewerage treatment works);
- UTI-9 (new bulk supply point); and
- UTI-10 (provision of new materials reclamation facility).

- 7.10 I note that the assessment of these contributions relating to Marlcombe forms one of the areas of outstanding work that will be completed up to and during the Examination in Public. As referred to previously, it would be appropriate that such information be available for consultation ahead of the Examination.
- 6.13 Notwithstanding the above, those IDP items which have figures against them and which are referred to as specifically relating to Marlcombe amount to a total of £185,768,505 which based on 10,000 dwellings would equate to £18,577 per unit but based on 8,000 dwellings would equate to £23,221 per unit. It must be recognised that in effect, the cost of these obligations is borne by the margin made from the market dwellings (and any other profit generating uses), so based on 40% affordable housing in line with Policy HN02 that would equate to £30,961 per market dwelling (based on 10,000 dwellings) and £38,701 per market dwelling (based on 8000 dwellings). The burden of those obligations therefore becomes more concentrated which raises the risk if markets fail to perform.
- 6.14 As part of the Inspectors Report on Cranbrook recognising the burden of the infrastructure ask, the Inspector requested that EDDC review all its 'big ticket items' within the IDP to determine those items which are crucial and those which are desirable with priorities set against viability considerations. (para 45 of the Cranbrook Local Plan Inspectors Final Report), this would seem to be an appropriate approach to be taken here.
- 6.15 Notwithstanding the outcome of any CIL Review there is greater flexibility to utilising Section 106 to deliver community infrastructure within a large development which is advantageous as contributions can be timed to match infrastructure requirements on a more bespoke basis aiding cashflow which in turn allows a greater level of infrastructure to be delivered. In my opinion it is therefore preferable for the new community CIL rate to be set at £zero psm however in the absence of that confirmation the prevailing rate as referred to earlier must be taken into account within the Marlcombe Viability assessment.
- 6.16 As referred to previously it is appropriate that an allowance is made for the Building Safety Levy in line with the rates set out previously.

6.17 In my opinion, the other costs which may be taken into account consistent with the Cranbrook local plan review are as follows:

Type	Allowance	Comment
Finance rate	7%	Allowed against net debt in the cashflow. This varies from the Cranbrook DPD on account of approach and current finance conditions but see note below
Marketing fees	3%	Of GDV, consistent with Cranbrook DPD
Agents and legal fees	1.75%	Consistent with Cranbrook DPD
SDLT	Prevailing tax rate	
Developer Profit	15-20%	Of GDV consistent with NPPG but see note below

6.18 The Marlcombe Business Case refers to a structured funding package but states that public sector funding will act as a catalyst and will not be relied upon to support scheme viability. In those circumstances, any public sector funding will presumably act as a loan, for example, through the Housing Infrastructure Fund (“HIF”). The level of interest attributable to any such loan will therefore be a key factor in any viability assessment. This cannot be guaranteed and consequently it is appropriate that prevailing rates are utilised in any Viability Assessment.

6.19 The Marlcombe Business Case refers to a “*Project Implementation Vehicle*”, which is then referred to as a “*Master Developer*”. The landowners at Marlcombe are largely made up of experienced developers and promoters who are capable of successfully delivering a new community. There is a question as to whether the scheme should actually be delivered via a Master Developer route in these circumstances. There are a number of examples of successful delivery of large scale communities by private sector developers working together and the imposition of such a structure will add to cost and bureaucracy.

- 6.20 The exact form of “*Master Developer*” which is envisaged is unclear but this may suggest some form of third party role, whether for a private body or some form of quango. The key learning points from Cranbrook refer to the example of the Duchy of Cornwall as a “*Master Developer*” exerting control beyond that which can be achieved through the planning system in isolation, for example by reference to the colours of buildings. The reality is that any “*Master Developer*” will need to be funded and this would need to be taken into account within the viability assessment. Where such an approach has been taken, for example for the Garden Villages at Welborne, Dunton and Otterpool, it has been agreed that additional profit allowances or fees have to be taken into account in the viability assessment.
- 6.21 The resulting residual appraisal is then tested against the Benchmark Land Value which is necessarily based on the EUV Plus approach in line with the NPPG. The Three Dragons Report adopts an EUV figure of £21,000 per ha for larger greenfield sites based on national figures for average farmland values however local information would suggest a higher rate in the range of £25,000 to £35,000 per ha. Indeed, many landowners would not be prepared to accept EUVs of less than £35,000 per ha for good agricultural land.
- 6.22 The Three Dragons Report then adopts a premium based on a multiplier of EUV in the range of 10 to 20 times which is used to test viability. This approach would reasonably be adopted for Marlcombe resulting in a BLV in the range of £250,000 to £700,000 per ha. It should be borne in mind that the rate applied at Cranbrook equated to £300,000 per ha. This rate is to be applied to the Gross land area of the development.
- 6.23 The Business Case includes reference to land control and sets out some options but fails to address the obvious and simplest route which is a collaboration agreement between those controlling the land and EDDC. Nevertheless, this does not impact on the approach to viability which is set out above in line with NPPF/NPPG.

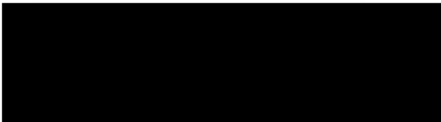
8.0 SUMMARY AND CONCLUSIONS

- 8.1 The allocation of Marlcombe is supported in principle and I have previously provided commentary in response to the first Regulation 19 Consultation. This second Regulation 19 Consultation does not include a viability assessment for Marlcombe or a complete IDP but I understand this work is ongoing and will be resolved. It will of course be appropriate that a suitable process be provided to allow for consultation when that further information becomes available ahead of the Examination.
- 8.2 It appears from reviewing the Marlcombe Business Case and the Reports Pack for the Strategic Planning Committee for 30th September 2025 relating to Marlcombe that EDDC recognise that the delivery of 40% affordable housing is not viable without significant public subsidy. It can be seen from the Three Dragons Report and the level of affordable housing justified at Cranbrook that a high level of affordable housing will not be justified and that a level in the region of 10% may be more realistic. In this context Policy expectations for Marlcombe appear to be overstated, specifically in relation to the level of affordable housing, lack of clarification on CIL and in relation to the IDP.
- 8.3 The Business Case for Marlcombe provides some reference to viability but refers to unproven delivery structures which, if pursued, would delay the delivery of the local plan and prejudice the delivery of Marlcombe. EDDC has achieved considerable success in the delivery of Cranbrook through a private led scheme. The assessment of viability of that scheme provides a useful model by which Marlcombe may be assessed.
- 8.4 It is therefore important that EDDC work in consultation with those with controlling land interests to finalise the IDP and associated viability assessment in line with NPPF/NPPG requirements at the earliest opportunity. The commentary set out herein is intended to provide constructive assistance to allow this complex task to be completed.

9.0 DECLARATION

9.1 I confirm that I am not instructed under any contingent or other success-based fee arrangement. I have prepared this advice impartially, objectively and without interference and I will continue to comply with my duty in that respect. I confirm that I have no conflict of interest in providing this advice.

9.2 This advice has been provided in full knowledge that it may be made publicly available.



Signed.....

John Read MSc MRICS

Date 23rd January 2026

CARDIFF OFFICE

22 Cathedral Road, Cardiff, CF11 9LJ
02920 349737

admin@lrmpanning.com
lrmpanning.com

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EXETER OFFICE

Winslade Manor, Manor Drive, Clyst St Mary,
Exeter EX5 1FY, 01392 690060



Registered Office: Nyewood Court, Brookers Road, Billingshurst RH14 9RZ
Registered in England and Wales No 08618388 VAT Reg No 196 5837 49

