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28 March 2025

Dear Sir/Madam,

**East Devon Local Plan 2020 to 2042  
Regulation 19 Publication draft, February 2025  
Representations on behalf of C R Down Farming Ltd and Stuart Partners Ltd**

**Introduction**

CarneySweeney acts for CR Down Farming Ltd and Stuart Partners Ltd in connection with land south of A3052 and east of A376, Clyst St Mary, East Devon.

This land is being promoted by our clients for a strategic sustainable residential-led mixed use development.

CarneySweeney hereby submits representations on behalf of our clients on the draft East Devon Local Plan 2020-2042 (draft EDLP), which comprise:

1. This letter, which addresses a range of strategic matters including the strategy for the West End and Strategic Policies SP01: Spatial Strategy and WS01: Development of a second new community east of Exeter, as well as legal and procedural matters relating to the Council's approach to plan making, the allocation of sufficient sites to meet the District's needs and the housing trajectory.
2. A Vision Statement for the strategic development being promoted by our clients.
3. Detailed representations on a range of draft EDLP policies in tabular format entitled EDLP Reg 19 Policy Reps.

**Policy Context for Plan Making**

Provisions for plan making are set out within the NPPF and NPPG. Plan makers are required to take account of the following points when preparing their Local Plan.

Under the transitional arrangements of the December 2024 NPPF, the new Local Plan will be considered under the provisions of the December 2023 NPPF.



## *National Planning Policy Framework (December 2023)*

- Paragraph 31 states that “The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be ...focussed tightly on supporting and justifying the policies concerned and take account of relevant market signals.”
  
- Paragraph 35 identifies the tests of soundness as being:
  - a) Positively prepared: As a minimum, seeking to meet the area’s objectively assessed needs and informed by agreements with other authorities so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with sustainable development.
  - b) Justified: An appropriate strategy based on taking account of reasonable alternatives and proportionate evidence.
  - c) Effective: Deliverable, based on effective joint working on cross-boundary strategic matters, evidenced in a Statement of Common Ground.
  - d) Consistent with national policy.

## **LOCAL PLAN PREPARATION - TRANSITIONAL ARRANGEMENTS**

It is considered that splitting consultation on two parts of the same plan to enable the draft EDLP as a whole to take advantage of having to meet only **at least 80%** of the District’s identified need does not meet the transitional arrangements in the December 2024 Framework. This is in circumstances where the forthcoming consultation on the second new community will in effect be a Regulation 18 consultation and where the draft EDLP is only planning for **up to 80%** of the District’s needs.

In tis respect, the draft EDLP is ducking the ambition and challenges in the December 2024 Framework and presented in two Written Ministerial Statements of 30 July 2024 (Angela Rayner MP) and 12 December 2024 (Matthew Pennycook MP), setting out the need to address the national housing crisis and in so doing, to turbo-charge the national economy. It is also delaying important strategic decisions on the scale and location of new development, including at the proposed second new community, which should be addressed now.

## **HOUSING DELIVERY AND TRAJECTORY**

Up to 2031/32, the draft EDLP sets a trajectory to deliver 850 dwellings per year on average, with the remaining plan period from 2032/33 onwards to deliver an annual average of 1,070 dwellings per year. Whilst this averages out to provide for the required housing need, it means that for the first part of the plan-period, the draft EDLP will be under-delivering against their identified housing need and more than likely unable to demonstrate a five-



year housing land supply within the early parts of the plan-period, as evidenced by Appendix 1 of the draft EDLP. This approach appears to be at odds with the Framework, in particular, the requirement to meet an area's objectively assessed needs as a minimum.

It is, effectively, a workaround, where the LPA will only be delivering 70% of the housing requirement, which would have to be averaged out by delivery later in the plan period, for the Plan to continue to be assessed against the previous version of the Framework and therefore requiring 80% of the housing requirement to be planned for.

The planned shortfall in the East Devon needs to be considered in the context of the recorded shortfall in housing delivery in the adjoining Exeter City Council's administrative area of about 2,400 new homes against its current Local Plan requirement. This will be compounded by the extreme vulnerability of its proposed draft LP strategy of locating most of the new homes required in the next Local Plan period on brownfield land.

We are also concerned at the over-reliance on the contribution that windfall sites are anticipated to make to meeting housing need. The Framework is clear that there should be "compelling evidence" that windfall sites will provide a reliable source of supply. The current wording of Policy SP06 does not provide confidence that development on windfall sites will be a reliable source of supply.

## **LOCAL PLAN VISION STATEMENT**

It is notable that the Vision does not refer to the allocation and delivery of sufficient land to meet in full the District's housing needs, reflecting the Framework and the above Written Ministerial Statements, which are material considerations.

This indicates that the draft EDLP places higher priority on environmental considerations than on addressing the national housing crisis. Indeed, the policies and provisions throughout the draft EDLP reflect this imbalance.

It is considered that the Vision should be re-balanced to acknowledge the need to address the housing crisis by providing a choice of decent housing for all, and this new balance should then be reflected in the policies and provisions of the plan, in accordance with our representations. It should also refer to the second new community and the wider strategic role of the West End as a sustainable location for meeting housing and other needs.

## **THE SPATIAL STRATEGY**

### **Strategic Policy SP01: Spatial Strategy**

We support the aim of the spatial strategy, in particular focussing the highest levels of growth in the West End. However, reference to the second new settlement is conspicuous by its absence.



The West End's distinctive characteristics are confirmed at Paragraph 3.4 1<sup>st</sup> bullet-point, which acknowledges that the West End is a highly sustainable area with strong functional links to Exeter, extensive infrastructure, proximity to urban services and efficient transport connections, making it a prime location for strategic development.

In addition, it is also notable that this part of the District is least constrained in environmental terms.

These characteristics make the West End the most appropriate area to accommodate major development through existing and new allocations.

They also make the West End an appropriate area to meet needs arising in Exeter City Council's administrative area, which cannot be met there for capacity, viability and environmental reasons, as well as likely shortfalls in housing delivery against East Devon's housing requirements, as a result of the unduly onerous policies and provisions contained in the draft EDLP, likely under-delivery in Cranbrook and also the second new community.

## **DEVELOPMENT AT THE WEST END**

### **Strategic Policy WS01: Development of a second new community east of Exeter**

The overall aim of Policy WS01 is acknowledged. However, there is at present no delivery model for the development and as such there is no evidence against which an assessment of the viability and deliverability of the second new community can be undertaken. This therefore casts some doubts on how quickly the site would be able to come forward. It follows that the claim that it will deliver "around" 3,300 new homes by 2042 cannot be evidenced.

These uncertainties offer very little confidence that the second new community will achieve what is required of it in the timescales needed to meet development needs. This is in the context of District that is subject to significant development pressures – arising from within the District and Exeter City - is heavily constrained in environmental terms and where political continuity at a national level cannot be guaranteed by virtue of potential local government reorganisation.

It is considered that the draft EDLP should also and plan for and consult on the approach to delivering the additional 2,000 new homes proposed at the second new community, rather than delaying the decision to a future local plan. To do this, it will be necessary for the draft LP to take a longer-term view of the delivery of the second new community in accordance with the Framework, by extending the plan period.



Uncertainties remain over the approach, procedures and timescales for future consultation on the second new community in the summer of 2025 and the effect of this on the submission of a comprehensive draft EDLP for examination and its ultimate adoption.

#### **DRAFT EXETER CITY LOCAL PLAN (REG 19)**

We made representations on the draft Exeter Plan during formal consultation (which ended on 06 February 2025 and which is running neck and neck with the draft EDLP). These representations asserted that in the context of significant under-delivery against the adopted Local Plan requirement (as noted above, around 2,400 homes), the draft Exeter Plan would not deliver the homes required of it and that it had failed to engage with East Devon District Council (EDDC) under the Duty to Co-operate to explore the ability of unmet need in Exeter to be met in East Devon District. We further asserted that the best place to meet this need would be the West End for the very reasons acknowledged by the draft East Devon LP.

It is considered a further strategic site allocation is needed in the West End to provide the flexibility needed to account for the uncertainties around viability and deliverability of the second new community, the likelihood of having to meet need in the West End arising in Exeter City Council's administrative area that cannot be met there and shortfalls in housing delivery on allocated sites elsewhere in the District.

Our client is promoting land for a sustainable strategic scale mixed-use development to the south of the second new community between the A3052 and the A376, that is unconstrained in land ownership, environmental and infrastructure terms and could come forward quickly.

This site was considered by the Council as part of the site appraisal process for the second new community (GEV-003). The site being promoted by our clients (Option 3) was scored at 37.4. The selected site (Option 1) scored at 38.3. The main difference between the overall scoring (0.9) was because at the time, the Option 3 site was larger and controlled by multiple landowners, none of whom were contractually bound. The site is now smaller and controlled by three landowners who are contractually bound to promote the development.

The proposals could deliver up to 2,000 new homes, together with a local centre and a range of complementary uses, services and facilities to optimise self-containment, with a focus on active travel connections to employment, leisure and retail destinations. The Vision Statement accompanying these representations provides further detail on the proposals.

#### **THE EFFECT OF DRAFT EDLP POLICIES ON HOUSING DELIVERY AND DEVELOPMENT VIABILITY**

As can be seen from our tabulated representations, it is our view that the cumulative (and often individual) effect of numerous draft EDLP policies will be to delay and restrict the delivery the number of new homes on



allocated sites. Development viability will also become challenging, which will in turn impact on affordable housing delivery.

This will create growing pressure to release more land for development in order to maintain housing land supply and to meet at least 80% of the identified need, undermining the plan-led approach to delivering new homes and jobs.

As a result, it is considered that the draft EDLP should address this by allocating more land for development, including land for a further sustainable self-contained strategic-scale development in addition to land for a second new community.

As noted above, our clients are promoting a site for such a development in the West End, which the Council acknowledges at paragraph 3.4.1 of the draft EDLP to be an appropriate location to accommodate major new development.

A Vision Statement accompanies these representations. This document is based on detailed technical analysis, including a "Vision-led" transport and access appraisal, a full season of ecology surveys, landscape assessment, arboricultural assessment and a flood risk and surface water drainage assessment. It presents a full constraints and opportunities analysis that culminates in a draft Illustrative Masterplan and land use plan.

## **SUMMARY**

CarneySweeney submits representations on behalf of CR Down Farming Ltd and Stuart Partners Ltd.

We identify legal and procedural challenges with the Council's approach to plan preparation. These relate to:

- The approach to planning to meet up to 80% of need rather than the entire need or at least 80% of the need.
- Splitting the plan into two parts, with a Regulation 19 consultation on the one part of the plan and a future Regulation 18 consultation on the other part, which relates to a second new community which will be the central plank of the Council's future housing delivery strategy.
- The second new community consultation assuming that the only option for delivering a strategic sustainable new development to meet housing need is via the Council's preferred option site between the A30 and the A3052. It is an option but not the only one. The option being promoted by our client would complement the second new community rather than prejudicing it.

There are also a number of policies that impose technical and other standards that while entirely laudable, have not been properly evidenced or justified and as such are, in themselves, unsound. Furthermore, it is the cumulative (and



often individual) effect of these policies (including those listed below) on scheme viability and overall deliverability that is of significant concern. These include:

- 20% BNG (Policy PB05)
- 110 litres per day restriction (Policy AR02)
- First Homes Standard (Policy CC02)
- BREAM “Excellent” for all non-residential development (Policy CC02)
- Design Code for all major development (Policy DS02)
- Housing design standards (Policy HN04)
- 5% custom and self build (Policy HN05)
- Public open space standards (Policy OS02)
- Bond of 25% of the cost of landscaping (Policy PB09)

A number of other policies introduce policy, procedural requirements and new standards that are not consistent with those in the Framework and PPG. It is considered that these will delay the submission and determination of planning applications and ultimately delay housing delivery.

As a result, the draft EDLP will delay and restrict housing delivery, such that the allocated sites will not meet the needs identified and the ability of windfall sites to “step in” to meet the shortfall are equally restricted in policy terms.

It has not been demonstrated that the second new community will deliver as the draft EDLP claims and the Council’s experience of the delivery timeline for Cranbrook (30 + years and counting) underlines the challenges that lie ahead. Furthermore, it is considered that the draft EDLP has failed to allocate enough sites to meet local need in full or to have planned positively to meet **at least 80%** of this need. This suggests strongly that the draft EDLP should either be paused to enable the second new community plans to “catch up” so that the whole draft LP can be considered comprehensively as one, or that more sites should be allocated at this stage to provide sufficient headroom for the significant uncertainties inherent in the draft EDLP.

Our clients are promoting land in the West End to the south of the 2<sup>nd</sup> new community for a self-contained residential-led, sustainable new village that is viable, sustainable and does not require external funding. It could come forward quickly and would eventually form part of and compliment (rather than prejudice delivery of) the second new community. It is considered that this land should be allocated in the draft EDLP.

We ask to be kept informed of next stages of consultation and also that we have an opportunity to participate in any public examination of this document.



In the meantime, should you have any queries please do not hesitate to contact us.

Yours faithfully



Simon Coles

Director

**CarneySweeney**

