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06 January 2023

By Email Only

Dear Sir/ Madam

MLPD 17020 On Behalf of The Drake Family East Devon Local Plan 2020-2040 Preferred Options Regulation 18 Draft Plan Consultation Response

Introduction

On behalf of our client, The Drake Family, which owns land adjacent to the north of the built-up area boundary of Exeter (Please see Appendices 1 and 2), we submit representations to the East Devon Local Plan 2020-2040 (“plan”, “Local Plan”).

Whilst our client’s land, ***which was allocated for residential development in the Greater Exeter Strategic Plan (GESP)***, is in Exeter City Council (ECC)’s jurisdiction, many of the issues are relevant to East Devon District Council (EDDC). There are many elements of the plan that our client fully supports, however in this response we raise key themes that require attention by East Devon District Council (EDDC) as part of the due process regarding appropriate consultation of the plan, its policies, and proposed allocations.

We go on to provide specific responses to the plan questions below.

It is clearly in the interests of everyone that both East Devon and the City produce “sound” Local Plans as soon as possible.

The Duty to Cooperate

The Duty to Cooperate places a legal duty on Local Planning Authorities to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. The NPPF sets out under paragraphs 24-27 that Local Planning Authorities and County Councils are under a duty to cooperate with each other on strategic matters that cross administrative boundaries. Paragraph 26 specifically notes that joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met within a particular plan area could be met elsewhere. This process within Devon is guided by the Devon Duty to Cooperate Protocol. This protocol includes reference to the development of appropriate housing development strategies across administrative boundaries.

East Devon District Council (EDDC) has a duty to cooperate with neighbouring authorities. Moreover, its Local Plan must align with the requirements of the NPPF and synchronise with Exeter City Council (ECC)'s Local Plan, Teignbridge District Council (TDC)'s Local Plan and Mid Devon District Council (MDDC)'s Local Plan, particularly if it (or any neighbouring authority), cannot show that it (or any neighbouring authority), can viably meet its (their) housing and jobs needs on land in its (their) jurisdiction, as outlined in these representations.

At present, the Council is proposing a 20-year Local Plan to meet its "needs" without harm. This means that the Local Plan will have to earmark land to meet the required housing and jobs numbers projected for 20 years without significant harm to the climate or the environment. Encapsulated, the Council's present position appears to be that it has decided to meet its own needs on land in its jurisdiction without reliance on other Councils; but crucially it has not considered the needs of other Councils and whether other neighbouring authorities can meet their development needs. We do not believe that the Local Plan can be found "sound," in such circumstances, unfortunately.

Taken on, the neighbouring authority, ECC, has also taken the position that it can meet all its development needs on land in its jurisdiction without reliance on other Councils but quite simply this "vision" is undeliverable and unviable mainly because it proposes to build around 8,000 homes on high performing brownfield employment land when it is already 2,000 houses shy (pro rata) of an **at least** housing requirement of 12,000 in the current plan period.

In other words, there is a strong possibility that East Devon will have to accommodate a significant proportion of ECC's development "needs" because either housing will displace employment land (unlikely in our view) or land will be required for Exeter's housing needs in other districts, including in the "West End" of East Devon.

This means that ECC has an obligation to East Devon District Council, its residents, and its businesses, to ensure that all developable greenfield land in its jurisdiction comes forward for development. Land such as our client's land.

In turn, EDDC has an obligation to its residents and its businesses, to ensure that all developable greenfield land in ECC's jurisdiction comes forward for development to prevent East Devon having to take a disproportionate amount of Exeter's development needs.

Response

East Devon District Council (EDDC) is failing in its Duty to Cooperate, to responsibly and sustainably identify and allocate the most appropriate land for development. Further work must be done to ensure that development is delivered in the most sustainable locations around the Exeter area (irrespective of whether it's in EDDC, TDC, MDDC or ECC).

The Plan should be prepared and refined via constant dialogue with adjoining Councils and key stakeholders including landowners. If these key stakeholders are not incentivised to take part, significant parts of the plan will probably fail.

Housing Delivery and 5 Year Housing Land Supply (5YHLS)

Neither East Devon District Council (EDDC) nor neighbouring Exeter City Council (ECC) have a robust 5-year housing land supply (*5YHLS).

For EDDC, the annual housing requirement figure has gone up to 946 homes per year because of changes to the affordability ratio which is a key input into the government's standard method for calculating housing need (the GESP annualised local housing need for EDDC was 900 dwellings). The increased figure combined with a declining supply position means that a 5-year housing land supply can no longer be demonstrated, with EDDC only having 4.68 years of housing land supply with a 5% buffer (Housing Monitoring Update to year ending 31 March 2022 Report to Strategic Planning Committee, 4th October 2022).

The reporting confirms 4.68 years of housing land supply, meaning a shortfall of 328 dwellings (65.6 dwellings per year over the 5-year period) (Housing Monitoring Update to 31 March 2022).

The new Local Plan will need to demonstrate that EDDC has a robust 5-year housing land supply at the point of adoption of the plan if it is to be found “sound” at examination.

Response

East Devon’s Local Plan is technically “out of date” (it is more than 5 years old). Securing East Devon’s 5-year land supply is critical to the Local Plan’s success.

The under supply of housing in the current plan period needs to be correctly addressed by the Council and the shortfall should be rectified within the emerging Local Plan.

Our client believes that the Council, in line with Sustainability Appraisal work commissioned by it, should continue to encourage development away from protected landscapes afforded the highest level of national planning policy direction within EDDC (e.g., World Heritage Sites; Areas of Outstanding Natural Beauty; 2/3 of the district is covered by an AONB designation).

Strategic housing and employment development should be focussed within the “West End” of East Devon and/or close to it where the vast majority of key physical, social and community and green infrastructure exists or is planned for. The western end of East Devon (which is where our client’s land is), together with Exeter City is the area considered to be the economic driver for the subregion, and its growth cannot be constrained for social and economic reasons.

The under supply of housing in the current plan period needs to be correctly addressed by the Council and the shortfall should be rectified within the emerging Local Plan.

*The Council should positively engage with ECC and accommodate the development “needs” of the City which cannot be met there **whilst ensuring that all developable greenfield land in ECC’s jurisdiction is allocated for development** (land such as our client’s land) because it is the interests of its residents to ensure that it does so.*

Affordable Housing Delivery

EDDC Housing Monitoring Update to 31 March 2022 confirmed that a total of 241 affordable units were delivered during 2021/22.

The East Devon Local Housing Needs Assessment 2022 report by consultants ORS, Report to Strategic Planning Committee (7th October 2022) states that the Affordable Housing Need in East Devon is forecast to be 3,530 households for the 20-year period 2020 to 2040. The Draft Local Plan states that the affordable housing figure is 4,070 (net). This equates to 204 households per year.

Whilst affordable housing delivery in EDDC is faring better than neighbouring authorities (see Appeal reference APP/Y1110/W/22/3292721 25th August 2022 which noted that Exeter has a demonstrably acute and persistent under-delivery of affordable housing delivering only 6 affordable homes in the last year), a distorted marketplace where house price to earnings ratio is one of the worst in England (and getting worse), will undoubtedly lead to challenges within EDDC to deliver enough “affordable homes” and across the subregion, generally.

Response

The East Devon Local Plan must prioritise securing appropriate, viable levels of affordable housing within the plan period in the context of Exeter’s chronic undersupply and the issue faced across the subregion. Inspectors are giving “significant weight” to undersupply in decisions.

Whilst currently EDDC has fared well in terms of delivery, the current delivery forecast is based on a working assumption of 35% affordable housing being delivered on future qualifying sites that meet the policy criteria, with a lower 15% rate at the second new town. Therefore, it is imperative to evaluate these assumptions against overall plan viability.

Adequate resource for these purposes must be made available.

The Emerging Local Plan Development Strategy / Vision

East Devon District Council’s planning policies are out of date and the district is facing a chronic housing and employment land shortage (along with neighbouring Exeter City).

The vision focuses new development on the western side of the district, including a new town and other major strategic developments close to Exeter.

Response

For the reasons highlighted above including significant aggregated undersupply in the current plan period across the sub region, including Exeter City, it is considered that additional solutions to provide for land for housing and employment must be considered.

Our Client's Land

Our client's land is suitable and available to meet East Devon and Exeter's residential needs broadly in line with the issues it faces.

An Outline Planning Application for a pioneering new development of up to 150 residential dwellings is forthcoming. The site, located adjacent to the northern edge of Exeter, is a strategic site, close to amenities and accessible for existing key infrastructure and services.

This forward-thinking proposal represents the epitome of sustainable development, promoting a unique culture change towards green technologies and infrastructure, eco-friendly modes of transport and a focus on community living.

The site lies within an area identified, through work and evidence prepared for the Greater Exeter Strategic Plan (GESP), to be an area suitable for strategic housing growth and development. Despite GESP's apparent demise, the detailed evidence behind it clearly demonstrates the suitability of this area for strategic housing development, reinforced by the submission of two recent applications:

21/0020/OUT (Outline planning application for a residential development of up to 100 dwellings and associated infrastructure (all matters reserved except access) on land off Pendragon Road; and,

20/0538/OUT (Outline planning application for up to 93 dwellings on land at Spruce Close and Celia Crescent, Exeter (which went to Committee with an Officers' recommendation for approval).

The recent appeal for 93 dwellings at Celia Crescent APP/Y11110/W/22/3292721 was allowed earlier this year, with the Inspector concluding that the Council has a compromised housing land supply (and had delivered only 6 affordable houses last year).

If you require further information about specific aspects of the representations made, please contact us at the above address.

We look forward to further positive dialogue with the Council as “The East Devon Plan” progresses.

Thank you.

Yours faithfully,

James

James McMurdo MRTPI MRICS

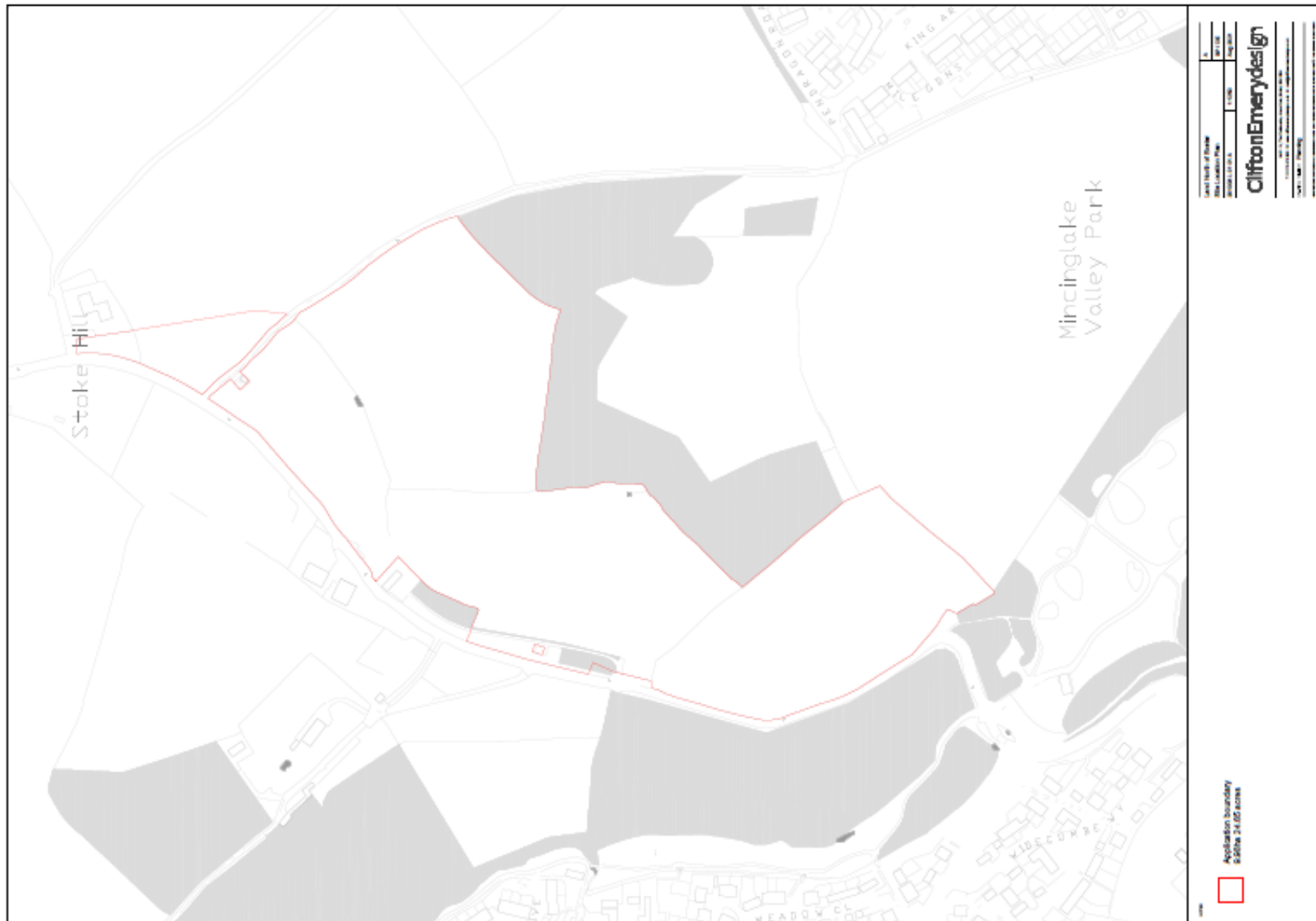
Director

For and on behalf of McMurdo

Copies: Client



APPENDIX 1. SITE LOCATION PLAN





APPENDIX 2. SITE CONTEXT PLAN

