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East Devon District Council  
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09 January 2023

*By Email Only*

Dear Sir/ Madam

### **MLPD 22011 On Behalf of 8 Tech East Devon Local Plan 2020-2040 Preferred Options Regulation 18 Draft Plan Consultation Response**

On behalf of our client, 8 Tech (Mr J Hill) which owns and controls land at Alansway, Ottery St Mary (Please see Appendix 2), we submit representations in relation to the Draft East Devon Local Plan.

Whilst there are many elements of the plan that our client fully supports, in this response we raise key Local Plan themes that require attention by East Devon District Council as part of the due process regarding appropriate consultation of the “plan,” its policies, and allocations.

We go on to provide specific responses to the plan questions in Appendix 1.

It is clearly in the interests of everyone that the Council adopts a “sound” Local Plan as soon as possible and our clients will support the Council in this aim.

### **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 wholly 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.

## 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 East Devon (irrespective of whether it is 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 fail.*

## **Employment Land Supply and Delivery**

Alongside housing growth, the strategic objectives of supporting business investment, job creation opportunities and building a resilient economy must be at the heart of the plan. Policies will need to help make the district an attractive and competitive place to start, grow and invest in a broad range of businesses, attracting more and higher skilled jobs and attracting and retaining people of working age.

A report to Strategic Planning Committee (22nd June 2021) states that in terms of achieving “matched” housing and employment new employment provision is around 1/3 (33%) behind in the delivery of new jobs compared to housing since the adoption of the current Local Plan.

There is a growing demand for additional employment land in the district and subregion to serve successful companies wanting to expand into the subregion and for businesses that want to relocate to the subregion. Additionally, there is demand for land to accommodate the strong and sustainable growth of existing successful businesses across the district and subregion. Supply is falling well short of demand causing significant negative economic and social impacts. The Council independently recognised the imbalance in availability and supply with a Report to Strategic Planning Committee (22nd June 2021).

This is not a new issue. The HotSW Employment Land Study Research Findings, 5th December 2019 found that East Devon frequently failed to fulfil enquiries. The Report to Strategic Planning Committee (22nd June 2021) cited a lack of available, unconstrained sites and concluded that even though there was a supply of allocated sites, that many of these were not coming forward for development, suggesting they are not truly available or viable. Therefore, land ownership and viability must be considered critical deliverability issues when allocating employment sites in this plan.

Taken together EDDC committee papers confirm that the western part of the district is the area identified for growth mainly because the same papers recognise (rightly) that two thirds of the EDDC area is covered in the highest tier restrictive landscape policy designations (67% is AONB).

The neighbouring authority, ECC, does not have a five-year housing land supply putting pressure on the small amount of employment land that is available within the City for alternative uses, and some sites previously allocated for employment have already been granted permission for residential uses.

The draft ECC Local Plan proposes an unsustainable “vision” encouraging residential development on existing high performing employment areas such as Marsh Barton. This would result in the further displacement of employers and occupiers in the City, exacerbating the imbalance with surrounding authorities, and worsening the documented (including in Council papers) demand and undersupply of employment land within East Devon and the subregion.

Simplified, the current shortfall in EDDC in the context of ECC’s issues means that the emerging East Devon Local Plan must plan effectively and collaboratively for the sustainable release and delivery of employment land in the most suitable locations to benefit new, relocating and expanding businesses. If it cannot demonstrate that the proposed strategy is appropriate and will meet the Local Plan objectives and the needs of the district and subregion up to 2040, then significant parts of the plan will fail.

It is likely that differing policies and strategies will be needed within East Devon to accommodate the growth that is required. Viably delivering the employment numbers required in the plan period means that more land will need to be released in line with market, district, and subregional needs.

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 (e.g., World Heritage Sites; Areas of Outstanding Natural Beauty; 2/3 of the district is covered by an AONB designation) and that strategic housing and employment development should continue to be focussed where key infrastructure exists or is planned for. (EDDC committee papers have also confirmed that the main town of Ottery St Mary should be a focus for growth within East Devon, too.)

An Employment Land Review undertaken by Alder King in March 2021 indicated that the total supply in the market including allocated land, development sites and existing buildings was equal to 8.36 years demand.

What this indicates is that more land is required to enable more of the demand to be fulfilled and help address the current imbalance between supply and demand.

Furthermore, the displacement of employers and occupiers in Exeter will create further imbalance with surrounding authorities, putting significant pressure on EDDC, exacerbating the already chronic undersupply of employment land within the district. This undersupply is well-documented.

### **Our Client's Landholdings and The Plan's Focus for Growth**

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

The plan aims to focus significant development at the Principal Centre of Exmouth and the Main Centres of Axminster, Honiton, Ottery St Mary, Seaton, and Sidmouth to serve their own needs and that of the wider surrounding areas. Our client supports this approach.

Our client owns land at Alansway, Ottery St Mary. Our client's land is a sustainable location for employment development within the built-up area boundary and within an existing employment area of the main town of Ottery St Mary. The site is currently allocated under EDDC LP, Strategy 24, employment allocation 008B, has previously achieved planning permission for commercial development and the site context has not significantly changed.

The land is suitable and available to meet EDDC development needs, as well as to meet Exeter's employment needs broadly in line with the issues the sub region faces.

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

We look forward to further dialogue as The East Devon Local Plan progresses.

Thank you.

Yours faithfully,

James

**James McMurdo MRTPI MRICS**



Director  
For and on behalf of McMurdo  
Copies: Client

**APPENDIX 1: POLICY RESPONSES**

Policy	Comment
1. Strategic Policy – Spatial Strategy	It is agreed that new development should be focused on the western side of the district, including a new town and other strategic developments close to Exeter with significant development at the Principal Centre of Exmouth and Main Centres of Axminster, Honiton, Ottery St Mary, Seaton, and Sidmouth, avoiding the AONB.
4. Strategic Policy - Employment Provision and Distribution Strategy	<p>New development should be focused on the western side of the district including a new town and other strategic developments close to Exeter.</p> <p>Further opportunity to comment will be required following the publication of the Economic Development Needs Assessment and any changes to the draft Local Plan this necessitates.</p> <p>This policy states that ‘sufficient additional employment land to meet East Devon’s requirements will be identified.’ Supporting paragraphs also refer to ‘building a resilient local economy aimed at providing economic prosperity for East Devon.’ There is no reference to the needs of the wider sub-region, specifically Exeter nor the impact of ECC’ new Local Plan policies relating to the redevelopment of existing employment sites or the lack of reliance on greenfield allocations for residential, employment and mixed-use development.</p> <p>More emphasis needs to be given to the needs of the sub-region as opposed to East Devon as a single entity.</p> <p>Paragraph 3.52 states:</p>

*‘3.52. Strategic policy in the plan should make sufficient provision for employment development. This means that the local plan provides an employment provision requirement figure for the whole plan area for the plan period. This accords with the NPPF. This states that the plan should as a minimum apply a presumption in favour of sustainable development when plan-making, where strategic policy should as a minimum provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas (as established through Statements of Common Ground), unless circumstances as specified in the NPPF apply. Strategic policy should make sufficient provision for employment development. This means that the local plan should establish an employment provision requirement figure for the whole plan area for the plan period.’*

Whilst the supporting text acknowledges that strategic policy should provide for objectively assessed needs for housing and other uses and the needs that cannot be met in neighbouring areas, there is no dialogue to suggest that the needs of Exeter specifically have been considered when calculating both housing and employment land need. It noted in the ‘Housing Need, Supply and Requirement Interim Topic Paper November 2022’ that EDDC understand that ECC have no unmet housing need identified (a point we would dispute) on the basis on the Exeter Plan outline draft but there is no discussion beyond this point in relation to housing or employment land requirements.

The current proposed Exeter Local Plan says that it will deliver denser employment uses in a mixed-use environment. This involves the redevelopment of some of its established employment sites. As it stands, the New Exeter Plan does not deliver the space or jobs needed for the city [and the existing businesses based there] to expand

and grow or provide for existing occupiers of certain uses (B2, B8 for example) to remain in Exeter.

The displacement of employers and occupiers in the City will create an imbalance with surrounding authorities, putting significant pressure on EDDC, exacerbating the already chronic undersupply of employment land within East Devon (which does not have enough employment land for its own needs).

The New East Devon Local Plan needs to consider the impact of ECC's New Local Plan in terms of its impact on employment land and reflect that in its employment land requirements. Both Councils have a duty to cooperate, and it is not evident from either Local Plan consultation that either have fulfilled that duty.

The policy and the supporting text recognise the need to secure employment opportunities in the western part of East Devon, acknowledging the geographical advantages for business. Similarly, the policy highlights the need for towns, including Ottery St Mary to provide jobs and workspace for new and existing residents, to improve settlement self-containment, and to reduce the need to commute to work.

Our client's land is a sustainable location for employment development within the built-up area boundary and within an existing employment area of the main town of Ottery St Mary (and the western part of the district in line with the aims of this policy). The site is currently allocated under EDDC LP, Strategy 24, employment allocation 008B, has previously achieved planning permission for commercial development and the site context has not significantly changed.

See comments relating to policy 5 which are also relevant to policy 4.

<p>5. Strategic Policy – Mixed use developments incorporating housing, employment, and community facilities</p>	<p>Without the evidence of the EDNA, it is difficult to conclude that the ratios set out for employment provision is adequate to meet the needs of East Devon and the sub-region.</p> <p>Paragraph 3.66 notes that the site allocations are intended to meet the identified East Devon employment need, being evidenced by the EDNA. If the EDNA is not available, it is not possible to confirm that the site allocations will meet the need across the plan period, nor those of the wider sub-region. More sites may need to be identified and allocated.</p> <p>Paragraph 3.71 regarding alternative strategies is noted, as is confirmation that EDDC do not have sufficient evidence to make recommendations on alternative approaches. This would confirm the thoughts above that without this evidence this policy cannot be fully assessed as appropriate or not.</p> <p>Further sites should be considered for allocation within the western part of the district, principal centres and main towns that can deliver additional employment land in sustainable locations, such as this site at Alansway, Ottery St Mary.</p> <p>The mechanism for determining the number of off-site contributions needs to be detailed. The impact on viability of developments also needs to be considered here, and priorities for contributions where they can render developments unviable also needs consideration.</p>
<p>6. Strategic Policy – Development inside Settlement Boundaries</p>	<p>Our client supports the aspirations of this policy.</p>

<p>9. Strategic policy – Development within the Enterprise Zone</p>	<p>The Council's third priority is for a resilient economy, suggesting it will support and promote job growth in the district. Elsewhere in the Local Plan, supporting text recognises the importance of industrial jobs to the functioning of the district's economy and the strong unmet demand for industrial premises, particularly for industrial and logistics occupiers in the West End of East Devon.</p> <p>Exeter is limiting its ability to accommodate B2/B8 uses through proposing widespread redevelopment of its large employment sites and this policy further limits the locations at which B8 uses can locate. The impact of Exeter's policy to redevelopment existing employment sites and EDDC's policy to further limit the location of such uses needs to be assessed in terms of its cumulative impact on employment land supply specifically for industrial uses which are most affected by these policies.</p>
<p>27. Strategic Policy – Climate Emergency</p>	<p>Our client supports the aspirations of this policy.</p>
<p>28. Strategic Policy – Net-Zero Carbon Development</p>	<p>Our client supports the aspirations of this policy.</p>
<p>29. Strategic Policy – Promoting renewables and zero carbon energy</p>	<p>Our client supports the aspirations of this policy.</p>
<p>34. Strategic Policy – Embodied carbon</p>	<p>Our client supports the aspirations of this policy.</p>
<p>35. Strategic Policy – Flooding</p>	<p>Our client supports the aspirations of this policy.</p>

<p>51. Policy – Employment development within settlement boundaries</p>	<p>The Council's third priority is for a resilient economy, suggesting it will support and promote job growth in the district. Elsewhere in the Local Plan, supporting text recognises the importance of industrial jobs to the functioning of the district's economy and the strong unmet demand for industrial premises, particularly for industrial and logistics occupiers in the West End of East Devon.</p> <p>This policy focuses on employment development within settlement boundaries. Our client supports the aspirations of this policy.</p> <p>The supporting text to this policy acknowledges that the EDNA will provide evidence about the mix of sites needed to support businesses. It recognises that there will continue to be a need for a wide mix of sites in terms of size and quality to suit the needs of businesses now and as they change over time. Without the evidence of the EDNA, it is difficult to conclude that the employment needs of EDDC, and the sub-region are being met by the New Local Plan.</p> <p>Further sites should be considered for allocation within the western part of the district, principal centres and main towns that can deliver additional employment land in sustainable locations, such as this site at Alansway, Ottery St Mary.</p>
<p>54. Policy – Resisting the loss of Employment sites</p>	<p>The aspirations of this policy are noted.</p>
<p>55. Policy – Employment and Skills Statements</p>	<p>Clarification is needed as to what basis a financial contribution will be required and how it will be calculated. It needs to be clear how contributions will be prioritised in terms of ensure developments remain viable and a recognition that not every contribution may be able to be provided without negatively affecting the viability of a scheme.</p>

68. Policy – Parking standards	Evidence is not yet available to set parking standards for non-residential development, further comments may be forthcoming on publication of such standards.
72. Strategic policy – Digital Connectivity	Further comments may be forthcoming on the threshold for the requirement to have access to superfast broadband and high-quality communications and impact on viability when available.
77. Policy – Areas of Strategic Visual Importance	The need to preserve the visual integrity, identity, and scenic quality of the district through conserving and enhancing key views of local landmarks is recognised. However, the provision of employment carries substantial weight in the planning balance when considered against the lack of robust employment land supply in EDDC and across the sub-region. This policy needs to be applied flexibly in recognition of this shortfall; this is especially the case in areas outside of the AONB which are less sensitive to change.
78. Policy – Green wedges	It is noted that the Green Wedge locations and boundaries are currently under review to take account of development and other changes which have occurred since the boundaries were defined in the adopted Local Plan.  Comments are likely following the review of Green Wedges.
85. Policy – Protection of irreplaceable habitats and important features	The aspirations of this policy are understood.
87. Policy – Biodiversity Net Gain	The BNG requirement of 20% exceeds that outlined in the Environment Bill. Whilst justification is provided within the supporting paragraphs, we would dispute that a

	significant increase such as this would not render many developments unviable. Further evidence to support the justification for this increase needs to be presented.
88. Strategic Policy – Local Nature Recovery Strategy and Nature Recovery Network	The aspirations of this policy are noted.
89. Policy – Ecological Impact Assessment	The aspirations of this policy are noted.
91. Policy – Ecological enhancement and incorporation of design features to maximize the biodiversity value of proposals	The aspirations of this policy are noted.
92. Policy – Tree policy	The aspirations of this policy are noted.
102. Policy – Historic Environment	The need to conserve and enhance heritage assets is recognised. However, the provision of employment carries substantial weight in the planning balance when considered against the lack of robust employment land supply in EDDC and across the sub-region. This policy needs to be applied flexibly in recognition of this shortfall.

## APPENDIX 2. Site Location

