

East Devon Local Plan Publication Draft Consultation

Representations on behalf of the Cherwell
Group

March 2025



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1 Introduction

Background

- 1.1 This representation to the East Devon Local Plan Review Publication Draft consultation (Regulation 19) is submitted on behalf of the Cherwell Group. The Cherwell Group control land to the north of the A3052 and to the west of the Yeo Business Park and Hill Barton Business Park. It corresponds with the south western portion of the land proposed for allocation at Policy WS01 of the emerging Local Plan, to form a second new community within East Devon. The site is known as Axehayes Farm. It is identified in Appendix 1.
- 1.2 Since the last Regulation 18 consultation in 2024, the Cherwell Group have been further developing their development proposals. Their latest masterplan, which is provided within the Vision Document, which is appended in Appendix 2, responds to new and updated technical work prepared on behalf of the Cherwell Group, the Local Planning Authority's own evidence, including their masterplan proposals, and wider discussions with consortium partners. However, in all respects, the evidence underpinning the Vision Document continues to demonstrate the suitability of the site for development as part of a wider new community. It therefore mirrors the conclusions of the evidence base underpinning the emerging Local Plan.
- 1.3 As set out in the Vision Document, the vision for Axehayes Farm is shaped on the key principles of placemaking, sustainability and accessibility. The emerging masterplan integrates the development with its surroundings, whilst ensuring that, within the wider new community, residents daily needs will be met. The balance of green infrastructure and residential development will ensure that the natural environment is preserved and enhanced, whilst much needed new homes are provided. Sustainability is also at the heart of the vision; the development will ensure significant gains are provided to biodiversity and a carbon-conscious development will result, that includes low carbon homes and affords a priority to active and sustainable transport solutions. This will both reduce greenhouse gas emissions and improve public health outcomes. It is unmistakable that there is a high degree of conformity between the Cherwell Group's approach, their intended development outcomes and the ensuing benefits, and the Local Plan's vision and objectives.
- 1.4 Whilst the second new community is proposed to come forward for development within the timeframe of the emerging Local Plan, there is also acknowledgement that, given its scale, it will not be completed until after the end of the emerging Local Plan. Initial phasing work undertaken by the Local Planning Authority's consultants has indicated that land at Axehayes Farm is to come forward for development in the period prior to 2042.

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

- 1.5 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.
- 1.6 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.
- 1.7 Specifically, consideration was given to allocating land along the A3052 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 corridor.

1.8 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 allocation of a second new community in East Devon.

1.9 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 objectively assessed need for housing and the housing requirement;
- Section 5 - concerns the proposed spatial strategy;
- Section 6 – concerns housing supply;
- Section 7 – concerns the proposed allocation of the second new community at Policy WS01 of the emerging Local Plan;
- Section 8 – provides comments on draft development management policies;
- Section 9 – concerns viability;
- Section 10 – concerns the evidence base; and
- Section 11 – provides an overarching summary and affords support to the emerging Plan.

2 The development opportunity on land at Axehayes Farm

- 2.1 The Vision Document provided at Appendix 2 provides a detailed explanation of the Cherwell Group's development proposals for land at Axehayes Farm, as well as a summary of the technical work that has been prepared to date.
- 2.2 Summarily, the Vision Document confirms that, as part of the wider second new community, the site could accommodate:
- up to 527 dwellings on 14.53ha of land;
 - 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;
 - a park and ride on approximately 1.5ha of land;
 - over 17.25ha of green infrastructure, including amenity green space, equipped play areas, parks and gardens, natural and semi natural green space, informal play and suitable alternative natural green space (SANG);
 - a sustainable drainage system;
 - a range of travel planning measures to reduce the need to travel via the private car; and
 - an appropriate biodiversity net gain.

Housing

- 2.3 As set out above, up to 527 houses could be accommodated on the site at a net density of 39 dwellings per hectare. As the site forms the south western extent of the new community, it could be entirely delivered by 2042 and by the end of the plan period.
- 2.4 It is capable of accommodating a mix of housing types and tenures, including market, affordable, self-build and specialist housing for the elderly. In doing so, it will provide a strong alignment with Policy HN01 of the emerging Local Plan.

Primary access

- 2.5 At present, the masterplan illustrates that a five-arm roundabout will be provided to access the site from the A3052, which could also provide an improved access to Exeter City Football Club's training ground. However, it is proposed that the access arrangement will be reconsidered once the Greater Exeter Transport Model is published later in 2025 and accurate traffic data is available to assess and refine the access layout.

Primary street

- 2.6 The wider consortium has commissioned AWP to undertake a preliminary highway design of the primary street across the whole new community. The work, which has been based on detailed topographical information and a site walk, has sought to route the primary street in a manner that avoids the more constrained parts of the new community allocation, as well as to respond to opportunities, including ensuring it passes in close proximity to the flattest part of the wider site,

which is located outside of the Cherwell Group's ownership, where town centre and education uses may be appropriate.

Active travel strategy

- 2.7 The consortium has also commissioned AWP to prepare an active travel strategy. The purpose of the strategy is to ensure that the wider site masterplan is formed to maximise the potential for walkable neighbourhoods, where walking and cycling are the preferred mode of transport for local journeys. The site will integrate with the wider new community through the provision of new and improved active travel links and connections.
- 2.8 Whilst the strategy is presently being formed, its purpose will be to provide connections to the existing local cycling network, particularly to the west, which will provide a connection from the new community to some of the strategic employment sites to the east of Exeter, including Exeter Business Park, Sowton Industrial Estate and Paynes Hill.
- 2.9 Relevant to the Axehayes Farm part of the second new community, the active transport connections will include:

Within the site

- a principal cycling route, as part of the primary street;
 - an off-road footway/cycleway that will connect from the site's boundary with Westpoint, to the primary street on the site's northern boundary;
 - an off-road footway/cycleway across the proposed SANG land, to the north of the Cat and Fiddle; and
 - a potential pedestrian/cycle access to Hill Barton Business Park.
- 2.10 Additionally, all the primary and secondary routes within the proposed development will include off carriageway pedestrian/cycle paths that accord with LTN1/20 guidance.

Beyond the site

- the continuation of the off-road footway/cycleway to the north and west of the Cat and Fiddle, to connect to the A3052;
- a proposed footway along the A3052, which will connect to existing footway provision to the south of the Cat and Fiddle; and
- a proposed off-road footway/cycleway to the west of the Cat and Fiddle, which will connect to the proposed LCWIP route within Clyst St Mary, which will provide an onward connection to Sowton Industrial Estate and Exeter beyond.

Park and ride

- 2.11 A 1.5ha park and ride is proposed to the north of the A3052 and in the southern area of the site, close to the vehicular access. Its purpose would be to provide a strategic transport hub to encourage residents to make journeys to and from Exeter and local services and facilities, via sustainable modes of transport. It could also be used to encourage trips made by private vehicles from locations to the east of the proposed new community to utilise the park and ride, and therefore make journeys into Exeter by more sustainable modes.

Mobility hub

- 2.12 A mobility hub is proposed in close proximity to the park and ride facility. This will integrate the various forms of transport proposed to, from and within the site. The hub will provide the "*first and last mile solutions*" to connect communities to frequent public transport services and local facilities.

- 2.13 The mobility hub will provide hire schemes (electric bikes, pedal cycles, e-scooters, e-cargo bikes etc) and electric car club and car sharing spaces. It will also use mobility technology to integrate various modes of transport along with information and payment functions into a single mobility service.

Green infrastructure, including SANG

- 2.14 The masterplan provides some 17.27ha of public open space provision, comprising:
- amenity space, including allotments – 0.75ha;
 - parks and recreation – 1ha;
 - natural and semi-natural green space – 4.7ha;
 - play space – 0.31ha;
 - informal play – 0.38ha; and
 - SANG – 10.13ha.
- 2.15 The provision has been designed to accord with emerging policy requirements.
- 2.16 Rather than delivering playing pitches within the Axehayes Farm development, it is proposed that a financial contribution will be provided towards a larger sports hub to be provided within the wider new community.

Flood risk and drainage strategy

- 2.17 Consultants AWP have concluded that land at Axehayes Farm is located within Flood Zone 1. It is therefore at low risk of flooding from rivers. An existing watercourse that crosses the site is susceptible to flooding from surface water. However, development is proposed to be placed outside the land at risk of flooding and the implementation of a robust surface water management plan will prioritise the use of sustainable drainage systems (SuDS) to intercept and attenuate surface water, with final discharges being limited to the equivalent greenfield run-off rate. The proposed SuDS measures will protect the site from flooding throughout its lifetime, and will be sufficiently sized to allow for climate change. They will also help to improve water quality, will ensure that flood risk is not increased elsewhere and will seek to provide amenity and biodiversity enhancement.
- 2.18 Foul flows will be managed via a new waste water treatment works.

Biodiversity net gain

- 2.19 An appropriate level of biodiversity net gain will be provided. This is discussed in Section 8 below.

INFRASTRUCTURE

- 2.20 Where new or improved infrastructure is identified as being necessary to make the Cherwell Group's proposed development acceptable and the mitigation is provided off-site, the Cherwell Group will provide proportionate developer contributions to ensure their delivery.

OTHER MATTERS

- 2.21 It is anticipated that technical summaries of the Axehayes Farm development will be provided as part of the Cherwell Group's response to the second Regulation 19 consultation in 2025.

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 Annex 1 of the 2024 version of the NPPF confirms that for the purposes of plan-making, from 12th March 2025, the current version of the NPPF will be used, unless one or more of the following apply:
- a) the plan has reached Regulation 19 (pre-submission stage) on or before 12th March 2025 and its draft housing requirement meets at least 80% of local housing need;
 - b) the plan has been submitted for examination under Regulation 22 on or before 12th March 2025;
 - c) the plan includes policies to deliver the level of housing and other development set out in a preceding local plan adopted since 2020;
 - d) the local plan is for an area where there is an operative Spatial Development Strategy and the local plan has reached Regulation 19 stage on or before 12th March 2025; or
 - e) the plan only deals with minerals and/or waste matters and has reached Regulation 19 stage, on or before 12th March 2025.
- 3.3 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 above. Consequently, the emerging Local Plan will be examined against the 2023 version of the NPPF, and not the current version.

NATIONAL PLANNING POLICY

- 3.4 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 housing and other forms of development in a sustainable manner (para. 1).
- 3.5 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.
- 3.6 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).
- 3.7 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).
- 3.8 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).

- 3.9 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.
- 3.10 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).
- 3.11 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).
- 3.12 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

- 3.13 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.
- 3.14 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).

- 3.15 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).
- 3.16 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).
- 3.17 Para. 73 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.
- 3.18 Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period (para. 75).

EAST DEVON LOCAL PLAN

- 3.19 The current East Devon Local Plan, which covers the period 2013 to 2031, was adopted in January 2016.
- 3.20 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.
- 3.21 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...”*
- 3.22 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.”*

- 3.23 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

- 3.24 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 Policy SP02 - the objectively assessed need for housing and the housing requirement

4.1 The Cherwell Group do not specifically comment on the objectively assessed need for housing or the proposed housing requirement. However, they are aware of concerns raised by other developers regarding both matters, including:

- Having regard to the list of circumstances set out in the Planning Practice Guidance (PPG), it would be inappropriate to use any other approach other than the 2024 version of the standard method for calculating the objectively assessed need for housing over the emerging Local Plan period.
- The Local Plan proposes to adopt a housing requirement that seeks to meet only 82.9% of the local housing need figure (a requirement of 950 dwellings per annum, against an objectively assessed need of 1,146 dwellings per annum). Consequently, the Plan proposes not to meet the needs of one in every six homes identified as being needed. Over the 22 year plan period, the difference between the proposed requirement and the objectively assessed need is 4,303 homes.
- The housing requirement in the Local Plan is modestly above the minimum level not to engage para. 237 of the 2024 version of the NPPF.
- With the housing requirement meeting 82.9% of local housing need, the Local Planning Authority contest that the Plan will be Examined against the 2023 version of the NPPF, although some developers are contesting this point. Nonetheless, there remains in that version of the NPPF, as is described in Section 3 above, a requirement to provide, as a minimum, the objectively assessed needs for housing (paras. 11(b) and 61 refer), unless the provisions of para. 11(b) (i) and (ii) apply. The Cherwell Group is not aware of any evidence to suggest that the provisions of para. 11(b) (i) and (ii) apply in East Devon. Consequently, it could be considered that by not meeting local housing needs in full, the Plan is *not consistent with national planning policy, positively prepared or justified*. It will also not help to meet Objective 5 of the Plan.
- The application of the stepped trajectory alongside meeting only 82.9% of local needs means that for the first 12 years of the Plan, only 74% of the local housing need figure will be planned for.
- The same housing requirement is proposed in the emerging Plan as the 2016 Adopted Local Plan. It is therefore arguable that the Plan will not help meet the Government objective of significantly boosting the supply of homes.
- The PPG confirms that one of the reasons that the affordability adjustment is applied is to take account of past under-delivery. However, with the emerging Local Plan seeking to meet only 82.9% of local housing need, it cannot be considered that past under-delivery has been taken into account. The Local Planning Authority's latest housing monitoring information confirms that the current under-delivery of homes in comparison to the 2016 Local Plan trajectory was, at the end of monitoring year 2023/24, 3,555 dwellings. This is forecast to reduce to 3,477 dwellings at the end of the monitoring period that the Local Plan is envisaged to be adopted (2026/27). This shortfall, should, as a minimum, be added to the proposed housing requirement so as to ensure that shortfall has been fully accounted for.
- The PPG also confirms that the affordability adjustment is made within the standard method so as to ensure that the minimum annual housing need starts to address the affordability of homes. Consequently, by not meeting the local housing need, rather than seeking to address affordability, it is likely that the Plan will, instead, exacerbate housing unaffordability.
- There is some concern that the Plan will not be adopted by the end of 2026. If this is the case, then there will be the need, in order to meet the requirements of para. 22 of the NPPF, to extend the plan period by one monitoring year.

- No neighbouring authority is, at the present time, proposing to adopt a housing requirement that exceeds their local housing need figure. In fact, a significant shortfall would exist. Consequently, East Devon's unmet needs are not being addressed elsewhere.
- There exists, according to the HELAA, an adequate supply to meet the local housing need figure.
- Delivery rates of over 1,000 dwellings per annum have been achieved in East Devon previously and are forecast to going forward, including the present monitoring year.

4.2 Given the analysis presented above, the Local Planning Authority should consider adopting a higher housing requirement. To plan for a lower housing requirement risks the Plan being found to be unsound.

5 The spatial strategy and the distribution of development

- 5.1 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

- 5.2 The Local Plan'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.
- 5.3 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.
- 5.4 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.
- 5.5 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 policy¹.
- 5.6 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.
- 5.7 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.
- 5.8 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.

¹ Para. 190 of the NPPF.

- 5.9 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 2015² and was found to be a sound proposition. It is based on the principles of sustainable development, including those contained within the NPPF (including paras. 11(a) and 110).

Evidence base

- 5.10 The proposed spatial strategy also provides a suiA response to addressing climate change. Research undertaken by the University of Exeter³ has demonstrated that *“location is the single most important factor in determining potential emissions arising from new development.”*
- 5.11 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.
- 5.12 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.

Sustainability Appraisal

- 5.13 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...”*⁴
- 5.14 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).
- 5.15 The Cherwell Group is not aware of any material considerations that would suggest that a more appropriate spatial strategy should be adopted.
- 5.16 Indeed, the Sustainability Appraisal 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 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)”*⁵.

² Please refer to para. 22 of the Inspector’s Report, January 2016.

³ Please refer to Section 2.3.1 of the 2020 Low Carbon and Climate Change Evidence Base for the Greater Exeter Strategic Plan Report.

⁴ Para. 182 of the 2012 version of the NPPF.

⁵ Page 140.

THE DISTRIBUTION OF DEVELOPMENT

The West End

- 5.17 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 the most appropriate.
- 5.18 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.
- 5.19 The Regulation 19 Sustainability Appraisal (CSD-003) confirms that the preferred option for the distribution of development is Option A, which is a continuation of the housing distribution in the current Local Plan. However, the preferred option considered a focus of only 60% of development within the West End (12,500 dwellings).
- 5.20 Whilst the emerging 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 confirms that 4,932 homes have been constructed in the West End in the period April 2013 to March 2024. This represents a shortfall of around 1,523 homes against the annualised requirement for the West End of 597 homes per annum. Over that same period, 50% of the District's total housing completions have occurred within the West End.
- 5.21 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 52% of forecast completions are to occur in the West End (7,882 dwellings are forecast to be completed in the West End, against total forecast completions of 15,216 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. This therefore justifies the approach being taken in the emerging Local Plan not to prepare a second development plan document for the new community.
- 5.22 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.
- 5.23 Across the plan period, it would result in an average annual delivery rate for the West End of 568 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.
- 5.24 As set out in Section 3 of these representations, land along the A3052 corridor has previously been identified as having the potential to accommodate strategic development, including a second new town. Its identification within the emerging Local Plan as a key element of the planned provision of housing in the West End is therefore supported by the Cherwell Group.
- 5.25 It should be noted that no equivalent table to that set out in Strategy 2 of the current Local Plan is provided within the emerging Local Plan. Moreover, this information cannot be obtained from the

table contained within Strategic Policy SP03 or easily from Appendix 2 of the emerging Local Plan, as they:

- do not encapsulate a full picture of supply over the plan period, as they exclude elements such as the Second New Community;
- establish a requirement for neighbourhood planning areas, which are often wider than settlement level;
- in some cases, attribute development to a designated neighbourhood area that principally relates to the West End. For instance, in Whimple's case, of its total requirement of 611 dwellings, 500 dwellings are attributable to a Cranbrook Expansion Area. Consequently, as set out in the Sustainability Assessment, the 500 units attributed to Whimple from the Cranbrook Expansion Areas would, in that apportionment, be associated with delivery in the West End, rather than at the Service Village.

5.26 Additionally, the housing supply information contained within Document KSD-009 is over two years old and therefore does not reflect the components of supply introduced into the emerging Plan since the Regulation 18 consultation.

5.27 The omission of a table that confirms whether the Plan provides for the distribution set out in the preferred distribution option in the Sustainability Appraisal is a significant omission that should be remedied in the second Regulation 19 consultation. It would help to demonstrate that the Plan is *justified*.

6 Housing supply

- 6.1 The following section of this representation provides a broad assessment of the proposed housing land supply contained within the East Devon Local Plan. It specifically concerns lead-in times associated with strategic sites, including the second new community.

LEAD-IN TIMES ASSOCIATED WITH THE SECOND NEW COMMUNITY

- 6.2 In order to meet the proposed housing requirement within the emerging Local Plan, the Local Planning Authority have rightfully identified the need for strategic housing allocations, including a second new community. Housing monitoring information published by the Local Planning Authority confirms that strategic allocations provided a valuable and consistent component of supply and will continue to do so.
- 6.3 For instance, over the period 2013/14 to 2023/24 the strategic allocations located within the West End alone have contributed just under 50% of total housing completions (4,932 homes out of 9,984 net total completions), with Cranbrook alone contributing approximately 29% of supply over the same timescale. Moreover, Table 14 of the latest Housing Monitoring Update continues to demonstrate that the expansion areas at Cranbrook will provide a valuable source of housing over the period 2026/27 to 2030/31 and beyond.
- 6.4 Notwithstanding the above, so as to ensure that the objectively assessed need for housing is deliverable over the plan period, which in turn will ensure that the emerging Local Plan is *positively prepared, justified, effective and consistent with national policy*, there is a need to ensure that the components of housing supply will deliver as anticipated by the Plan.
- 6.5 As the largest allocation proposed within the emerging Local Plan, the delivery assumptions for the second new community should be carefully considered. Indeed, 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.
- 6.6 Reflecting on the delays in the delivery of the Cranbrook Expansion Areas (see para. 6.2 of the latest Housing Monitoring Report), it appears that the Local Planning Authority is, in order to speed up the rate of delivery from the second new community, advocating a conventional approach, with planning applications being submitted pursuant to Policy WS01, rather than, as was the case with the Cranbrook Expansion Areas, requiring the delivery of a second geographically specific development plan document.
- 6.7 Even with the accelerated option, 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;
 - submission and determination of a reserved matters application;

- submission and discharge of any pre-commencement and pre-occupation planning conditions and obligations;
- site clearance/infrastructure servicing; and
- first legal completions.

- 6.8 Research undertaken by Lichfields⁶ 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, 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 between 1.4 and 1.7 years to move from the first planning permission to first occupations. Consequently, they predict that for a site of the scale of the proposed new community, the overall lead-in time to first completions is between six and seven years.
- 6.9 At a local level, the most obvious comparisons are the Expansion Areas at the Cranbrook New Community. An application on the Treasbeare Expansion Area was submitted at the end of July 2022. East Devon District Council resolved to grant approval on the Expansion Area in February 2023 and outline planning permission was approved in June 2024. Consequently, planning permission was achieved in just under two years. The Council's latest housing Monitoring Report confirms that first completions from the Expansion Area are forecast in monitoring year 2026/27. This analysis suggests that it will take five monitoring years from submission of the outline planning application to first completions at the Treasbeare Expansion Area. Consequently, there exists the potential to accelerate delivery from the new community beyond that advocated by Lichfields.

Build out rates

- 6.10 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, research by LRM Planning indicates that over the period 2012/13 to 2023/24, a total of 2,879 homes were constructed at Cranbrook, which provides an annual average completion rate of 240 homes. Delivery peaked in 2014/15 at just under 400 completions. This 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 at the upper end of Lichfields analysis have recently been achieved within the West End.
- 6.11 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.
- 6.12 Moreover, Table 12 of the latest Housing Monitoring Update also envisaged an annual average delivery rate of 288 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 over 300 homes per annum.

⁶ Lichfields, 'Start to Finish,' March 2024.

SYNTHESIS

Lead-in times

- 6.13 The analysis undertaken by Lichfields suggests that it could take between six and seven years from the submission of a valid planning application to first legal completions. More locally, the Treasbears Expansion Area is forecast to come forward within five monitoring years.
- 6.14 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						●

- 6.15 On the basis of the lead-in times outlined in Table 1 above, this would leave 12 monitoring years for the 3,300 homes envisaged by Policy WS01 to be delivered by 2042 to be completed. This equates to an annual average delivery rate of 275 homes per annum. Whilst this represents an increase in the historic delivery rates at Cranbrook, it is a rate of delivery that has been achieved across the West End as a whole and it accords with the rate of delivery forecast from the Cranbrook Expansion Areas. 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*.

- 6.16 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 within the emerging Local Plan, there will again be the need for multiple outlets delivering at least from both the north and the south simultaneously.

7 Policy WS01 – The second new community

- 7.1 Consistent with the Plan's spatial strategy, which has been demonstrated to be the most appropriate, Policy WS01 proposes the allocation of a second new community. Following an assessment of three potential options through both a discrete technical assessment and via the Sustainability Appraisal, the Regulation 19 version of the Local 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.
- 7.2 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, as set out in Section 10 below, 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 as the preferred option in the consultation version of the Local Plan.
- 7.3 Notwithstanding the above, this section of these representations does not focus on the evidence base underpinning the emerging Local Plan, but instead focuses on Policy WS01 of the emerging Local Plan, and the Local Plan's Policies Map.
- 7.4 The Cherwell Group's comments on these matters is provided below.

POLICIES MAP

- 7.5 Whilst not a document that will be subject of Examination, the Cherwell Group are supportive of the Policies Map, which allocates land at Axehayes Farm as part of the wider second new community. Having regard to the technical work prepared by the Cherwell Group and the Local Planning Authority, the site's allocation is a *justified* proposition. The development proposed on the site will help to ensure that Policy WS01 and therefore the wider Local Plan, is *deliverable* and therefore *effective*.

HOUSING

- 7.6 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 a further 2,000 homes, to 10,000 homes, over the longer term.
- 7.7 As set out in Section 6 above, in the period up to 2042, in order for the housing provision envisaged from the second new community to be delivered in full, there is likely to be the need to adopt an average annual rate of delivery of around 275 homes per annum. It has been demonstrated above that whilst this rate of delivery is *aspirational*, it is *deliverable* and therefore *effective*.
- 7.8 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 second new community) could deliver 150 homes per annum.

Forms of housing

- 7.9 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. 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.

Phasing

- 7.10 The Cherwell Group are aware that the Local Planning Authority's advisors have prepared an indicative phasing strategy. It shows Axehayes Farm as coming forward in the period to 2042. Such an approach would ensure that development closest to the services, facilities and employment opportunities within Exeter would come forward in advance of more peripheral locations to the east. It would help to ensure that the required sustainable and active travel connections within the western areas of the southern development node of the proposed new community come forward before development to the east.

Density

- 7.11 The Policy sets an expectation that there will be a site wide density of 45 dwellings per hectare, with higher density of at least 55 to 60 dwellings per hectare within the town centre, neighbourhood centres and around key destinations and transport hubs.
- 7.12 Based on the land use budget contained within the landowner presentation provided by the Council's consultants, the Cherwell Group have a number of concerns with this approach, including:
- the topography across the wider new community presents a significant challenge. Achieving consistent gross densities of 45dph in sloping areas is unlikely to be feasible without compromising on quality design, accessibility and placemaking;
 - the calculations underpinning the masterplan appear to be based on gross density, which does not reflect how density is actually delivered in residential parcels. Once incidental open space, existing landscape features that will need to be retained and infrastructure (including streets) are factored in, the net density within development parcels would need to be considerably higher, potentially pushing beyond what the local market can realistically support;
 - in order to achieve these density requirements, the housing mix would need to be skewed heavily towards higher density typologies, which may not reflect local housing need or demand.
- 7.13 These concerns will need to be responded to in the next consultation version of the Regulation 19 Plan.

GYPSY AND TRAVELLER

- 7.14 Policy WS01 of the emerging Local Plan seeks the provision of 30 Gypsy and Traveller pitches within the new community, of which 15 will be provided in the period up to 2042.
- 7.15 The Cherwell Group acknowledges that the Council has a duty to meet the housing needs of the Gypsy and Traveller community. 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;
 - the location of the proposed Gypsy and Traveller provision;
 - reasonable alternatives; and
 - viability.

The need for Gypsy and Traveller provision

- 7.16 The Gypsy and Traveller Accommodation Assessment (GTAA) confirms that the following provision is required over the plan period to 2042:
- Gypsy and Traveller provision that met 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.
- 7.17 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*".⁷ Consequently, there is a need for 25 pitches over the plan period.
- 7.18 The assessment work does not include an assessment of provision that benefits from planning permission, but which has not, as yet, come forward. In that regard we note that planning permission has been secured for 15 pitches from the Cobdens⁸ and Treasbeare Expansion Areas⁹. If, as is suggested by the document, this additional provision has not been included in the assessment, then the residual requirement would reduce to just 10 pitches.
- 7.19 The Cherwell Group are also aware that Policy WS11 of the emerging Local Plan proposes to allocate land to the east of the M5 for at least five pitches. Consequently, on a worst case basis, including assuming that no Gypsy and Traveller provision came forward through criteria-based Policy HN09, then there would be a residual requirement for only five pitches.
- 7.20 To plan for a higher quantum, without the necessary evidence to suggest that it is required, would not be a *justified* approach.
- 7.21 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 second 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.

The location of the proposed Gypsy and Traveller provision

- 7.22 Without prejudice to the points made above, should there be a need for Gypsy and Traveller provision to be made within the second new community, then its/their location will need to be carefully considered. There will be a need to ensure that, amongst other things, the chosen site or sites is/are suitable from a topographical, landscape and access perspective. Experience from the Cranbrook development would also indicate that noise is a significant constraint given the inability for noise mitigation to be provided for trailers. This could suggest a location divorced from existing

⁷ ORS, East Devon District Council Gypsy and Traveller Accommodation Assessment (2024), para. 8.5.

⁸ Application 22/0406/MOUT

⁹ Application 22/1532/MOUT

noise sources, including the strategic transport network and existing employment sites, would be more appropriate.

- 7.23 Moreover, previous studies have highlighted the A30 as being a key travelling route¹⁰. As such, a location in close proximity to that strategic route could be appropriate.

Reasonable alternatives

- 7.24 The emerging Local Plan only proposes to make two allocations to meet the needs of the Gypsy and Traveller community; within Policies WS01 and HN09 of the emerging Local Plan. Other than these two options, both of which are allocated for development, 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.
- 7.25 This is particularly important, as the evidence base underpinning the spatial strategy confirms that the most preferable distribution of development would see 60% of housing need met within the West End. However, having regard to the committed Gypsy and Traveller development within Cranbrook and proposed allocations WS01 and HN09, 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

- 7.26 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 a cost borne to the wider development.
- 7.27 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.

EMPLOYMENT LAND AND THE TOWN CENTRE

- 7.28 The proposed development at Axehayes Farm does not, as reflected in the Council's proposed masterplan for the second new community, propose any employment land or town centre uses. Consequently, the Cherwell Group do not provide any detailed comments regarding the proposals.
- 7.29 Notwithstanding the above, they are supportive of the provision of both employment land and town centre uses within the second new community, which will provide a strong fit with national planning policy¹¹. The provision of employment and town centre uses (housing a range of services and facilities) will be key components of the proposed new community. Both the employment and town centre uses will ensure that the daily needs of the residents of the new community are met,

¹⁰ Devon Partnership, *Gypsy and Traveller Accommodation Assessment*, 2015

¹¹ Para. 74 and 105 of the NPPF

which will, by internalising trips, therefore limit the need to travel, which in turn will help to reduce congestion and emissions.

SOCIAL, COMMUNITY AND EDUCATION FACILITIES AND OTHER INFRASTRUCTURE

- 7.30 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, community and education facilities. For large-scale development such as that being proposed, this is a requirement of national planning policy¹².
- 7.31 In regard to Policy WS01, it is noted that there will be a requirement for a full range of social, cultural, leisure, health, community and education facilities. This is not disputed by the Cherwell Group. Indeed, they will be an important placemaking component of the second new community. However, it is noted that a number of key evidence base documents that will be required to underpin the Local Plan, including the infrastructure delivery strategy for the new community, the playing pitch strategy and the open space strategy, have not, as yet, been produced. These will need to be published alongside the second Regulation 19 consultation in order to demonstrate that the proposals are *justified* and *effective*.
- 7.32 Indeed, it is highly likely that the social, community and education requirements for the new town will be informed by consultation with key infrastructure providers. These responses will need to be assessed to ensure that they satisfy the tests of Regulation 122(2) of the Community Infrastructure Levy Regulations and are afforded a prioritisation. As with the Cranbrook Plan, the prioritisation will be an important element of work so as to ensure that the development is a viable proposition.
- 7.33 We comment on the proposals shown in the Council's latest masterplanning work for an all-through school to be located within land that is within the control of the Cherwell Group in the masterplanning section below.

INFRASTRUCTURE

Public open space provision

- 7.34 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 benefits¹³.
- 7.35 However, national planning policy also states that policies should be based on robust and up-to-date assessment of needs for open space, sport and recreation and opportunities for new provision. At the time of writing, neither the playing pitch strategy nor the open space strategy has been published. As stated above, these documents will be required to be published alongside the second Regulation 19 consultation in order to demonstrate that the Council's masterplan proposals are deliverable within the land allocated in the emerging Local Plan for the new community, and therefore Policy WS01 is an *effective* and *justified* proposition.

SANG

- 7.36 As set out in para. 13.15 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

¹² Para. 74 and 97 of the NPPF

¹³ Para. 102 of the NPPF.

(SPA) and the Pebblebed Heaths Special Area of Conservation (SAC). The emerging Plan's supporting text suggests 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. However, unlike Policy CB14 of the Cranbrook Plan, an occupancy rate is not provided. To ensure that there is no *ambiguity* regarding the expectations for SANG land, an occupancy rate should be clearly stated within the emerging Plan.

Active, sustainable transport and other highways improvements

- 7.37 As evidenced by AWP's joint commission, which is discussed in Section 2 above, the Cherwell Group are supportive of the transport strategy for the new community affording a priority to active and sustainable modes of transport as part of a wider 'vision and validate' approach. Indeed, alongside the mix of uses proposed within the development, it will ensure that journeys within the new community are capable of being made by active and sustainable modes of transport. This will not only reduce carbon emissions and have health benefits, but it will also potentially avoid physical infrastructure improvements. Active and sustainable transport connections will also be proposed to local destinations, including via the provision of park and rides and mobility hubs.
- 7.38 The Cherwell Group's masterplan, which is described in Section 2 above, incorporates the proposed pedestrian, cycle and highway connections proposed in AWP's work.

Community energy/heating and on-site renewable energy production

- 7.39 The Cherwell Group comment on the emerging policy framework in relation to carbon reduction, district heating and renewable energy generation in Section 8 of these representations.

Surface water drainage

- 7.40 As set out in Section 2 above, on behalf of the wider consortium, AWP have prepared a surface water drainage strategy for the new community. It has, where relevant to Axehayes Farm, been incorporated into the Cherwell Group's masterplan.

New education provision

- 7.41 As indicated above, the Cherwell Group acknowledge that education provision will be an important component of social infrastructure within the new community that will help with place-making. They are therefore supportive of its provision on-site. They do, however, have concerns relating to the proposed location of the campus school. These concerns are set out below.

High speed broadband

- 7.42 It is noted that the emerging policy requires the provision of high speed broadband. However, since December 2022, for new homes, it has been a requirement of Approved Document R of the Building Regulations for developments to provide: (1) gigabit-ready physical infrastructure necessary for gigabit-capable connections up to a network distribution point, or as close as is reasonably practicable where the developer does not have the right to access land up to that distribution point; and (2) subject to a costs cap, a functioning gigabit-capable connection.
- 7.43 As such, for residential development, it is considered that the policy requirement duplicates Building Regulations and therefore it *does not serve a clear purpose*. Accordingly, it *conflicts with national policy* and should be removed from future iterations of the Plan.

WASTE TRANSFER STATION AND WASTE WATER TREATMENT WORKS

- 7.44 The Cherwell Group are aware of the need for a new waste water treatment works to serve the new development. They are also aware that the utility provider is currently undecided as to whether it should be located within the new community. Whilst the Cherwell Group are aware of its strategic

need and if necessary, its location within the new community, it should not be at the expense of restricting delivery from it. Indeed, whilst the waste water treatment works is being constructed, existing capacity and if necessary, temporary package treatment works, should be utilised to ensure that housing delivery from the new community comes forward as early as possible.

STEWARDSHIP

- 7.45 Policy WS01 confirms that a town-wide stewardship vehicle and governance will be required early on in the planning and delivery process. There remains a requirement for the allocation wide masterplan to provide a stewardship strategy that provides 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.
- 7.46 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.
- 7.47 The Paper discussed various stewardship models. 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.
- 7.48 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.
- 7.49 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 (after they were fully funded and built out) 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.
- 7.50 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.
- 7.51 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.

7.52 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.

THE COUNCIL'S EMERGING MASTERPLAN

7.53 The Cherwell Group note that the Council's more detailed proposals for the new community will be published in the second Regulation 19 consultation later in 2025. They therefore understand that the Council's masterplanners will be continuing to work on the masterplan until that point and that the versions of the masterplan issued by the Council to the landowners in January 2025 is subject to change. However, in order to assist the Council in preparing their final masterplan, the Cherwell Group have the following comments on the most recent version of the masterplan shared in January 2025:

- **Park and ride** – the park and ride is currently proposed to be located to the west of the proposed access from the A3052. It is within land that is not controlled by the Cherwell Group. As shown in the Cherwell Group's masterplan, which is provided in Appendix 2, there is sufficient room within land controlled by the Cherwell Group for the park and ride to be accommodated within their masterplan. To allow for its earlier delivery, the park and ride should be relocated to the east of the proposed access road from the A3052 and within land controlled by the Cherwell Group.
- **Secondary school** – the Cherwell Group note that the only secondary school proposed within the emerging masterplan is located in the north eastern area of the land under their control. However, Policy WS01 of the emerging Local Plan indicates that the preference is for the site to accommodate a "*an education campus which will provide primary and secondary school places as well as provision for early years, pupils with special educational needs and Post 16.*" There therefore seems to be a disconnect between the emerging Policy and the Council's proposed masterplan. There is approximately a 2.25ha difference in size between a secondary school and an education campus. Analysis undertaken by the Cherwell Group's masterplanner has indicated that there is not the sufficient quantum of land within the north eastern portion of the Cherwell Group's landholding, of a suitable level, to accommodate an education campus and its ancillary infrastructure, including playing pitches. In order to ensure that the masterplan and therefore Policy WS01 of the emerging Local Plan is *effective*, there will be a need to relocate the school to an alternative location.

APPLICATION REQUIREMENTS

7.54 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. Additionally, the Policy also confirms that a stewardship strategy is required as part of the site wide masterplan. Unless otherwise agreed with the Local Planning Authority, each planning application should accord with the approved documents.

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

- 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...”

- Again, 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.
- As there is no obvious lead developer (i.e. with an overall controlling portion of the second new community), there will, given the significant implications that the allocation-wide masterplan, infrastructure delivery strategy, phasing strategy and financial appraisal will have on the deliverability of all development proposals within the new community, be a need for these elements of work to be undertaken with meaningful engagement with all landowners. Agreement should be reached with all members of the consortium before the work is approved by the Local Planning Authority. To ensure that Policy WS01 is *effective*, this should be specified in the wording of the Policy.
- 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, 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?

OTHER CONSIDERATIONS

Land use budget

- 7.56 No land use budget has been provided with the current Local Plan consultation that can be used to demonstrate that the development proposed in the area of land allocated at Policy WS01 is *deliverable* and therefore *effective*. The Cherwell Group reserves the right to provide further comment on this matter in future iterations of the Plan.

Viability

- 7.57 Financial viability was a key consideration for the Cranbrook new community and it is likely to be for the second new community, particularly given the likely requirements for significant levels of infrastructure that will be necessary to support such a development. At Cranbrook, a detailed Infrastructure Delivery Plan was prepared to support the Cranbrook Plan. The Cherwell Group notes that the Local Planning Authority intends to publish an Infrastructure Delivery Plan for the second new community alongside the second Regulation 19 version of the Local Plan. The necessary infrastructure listed in that document and total costs for delivering the infrastructure will be key to understanding whether or not the new community is financially viable and therefore *deliverable* and in turn *effective*. The Cherwell Group therefore reserves the right to comment on the infrastructure delivery plan and the scheme's financial viability in their representations to future iterations of the Plan.
- 7.58 In addition, whilst the Community Infrastructure Levy is operational in parts of East Devon, the Local Planning Authority made Cranbrook exempt during the plan-making process. Instead, infrastructure has been secured through the conventional Section 106 process. The approach to funding and delivering infrastructure at the second new town needs early consideration and confirmation.

CONFORMITY WITH PARA. 74 OF THE NPPF

7.59 Para. 74 of the 2023 version of the NPPF confirms that the supply of new homes can often best be achieved through planning for larger scale development, such as new communities, provided they are:

- well located;
- well designed; and
- are supported by necessary infrastructure and facilities.

7.60 Moreover, working with communities and other stakeholders, local planning authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:

- consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;
- ensure that the size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development, or in larger towns to which there is good access;
- set clear expectations for the quality of the places to be created and how this will be maintained;
- ensure appropriate tools, such as masterplans and design codes are used to secure a variety of well-designed homes to meet the needs of different groups of the community;
- make a realistic assessment of likely rates of delivery; and
- consider whether it is appropriate to establish a Green Belt around or adjoining new developments of a significant size.

7.61 An assessment of how the new community proposed at Policy WS01 of the emerging Plan accords with each of these tests is set out below in turn.

Well located

7.62 As has been demonstrated in Section 5 above, the new community provides a strong fit with the Plan's spatial strategy, which was assessed through the Sustainability Appraisal and was found to be the preferred option. It mirrors the strategy employed in the Adopted Local Plan.

7.63 Moreover, three options for the location of the new community have been assessed within the evidence base supporting the Local Plan, including the Sustainability Appraisal. The location of the new community was again found to be the most appropriate when considering reasonable alternatives.

Well designed

7.64 The Local Planning Authority's own assessment work underpinning the emerging Local Plan, the design work required by Policy WS01 of the emerging Local Plan, together with other more generic design related policy, including Policy DS01 and DS02, will ensure that the new community is well designed.

Supported by necessary infrastructure and facilities

7.65 We understand that the Infrastructure Delivery Plan for the second new community, which will be published later in 2025, will establish the necessary infrastructure and facilities that will need to support the new community. This will ensure that the services and facilities required on a daily basis by the future residents of the new community will be available and can be accessed via active and sustainable modes of travel. It will also ensure that the impact of the development is mitigated.

Existing or planned investment in infrastructure

- 7.66 The location of the new community ensures that it is in close proximity to the strategically important Clyst Valley Regional Park, which aims to, amongst other things, connect communities with nature, by traffic free trails. The active travel strategy prepared by AWP ensures that the new community will provide active travel connections between the development and the Clyst Valley Regional Park, including via green connections, which will also provide a functional connection for the benefit of biodiversity interest.
- 7.67 The new community is also located in close proximity to an energy from waste facility. There are proposals for the facility to provide residual heat to the Cranbrook New Community and we understand that it could also supply heat for all or some of the second new community. Whilst, as discussed in Section 8 below, there are potentially other alternatives, it does, in the context of para. 73(a) of the 2023 version of the NPPF, constitute an opportunity presented by infrastructure.

Economic potential

- 7.68 The employment land proposed within the new community will complement the existing and planned strategically important employment provision located within the western area of East Devon and on the eastern edge of Exeter.

Net gains to biodiversity

- 7.69 An appropriate net gain to biodiversity can be achieved from the new community. Functional green connections are also proposed to the Clyst Valley Regional Park.

Services, facilities and employment opportunities within the new community and in the wider environs

- 7.70 As set out in Policy WS01 of the emerging Local Plan, the new community will house a full range of social, community and education facilities, a town centre, a number of smaller neighbourhood centres and employment land. The new community will also be located in close proximity to the services, facilities and employment opportunities located within the West End, on the eastern edge of Exeter and within Exeter city centre.

Expectations about the quality of place

- 7.71 The combination of the vision for the new community and the detailed policy framework provided by Policy WS01 of the emerging Local Plan, and more generic development management policies, ensure that there are clear expectations regarding the quality of the place.

Masterplan and design codes

- 7.72 Policy WS01 and DS02 of the emerging Local Plan will require the submission of an allocation wide masterplan and a design code or codes.

Realistic assessment of rates of delivery

- 7.73 The Cherwell Group provided an assessment of the anticipated rates of delivery in Section 6 above. They consider that whilst the rates of delivery for the new community are ambitious, they are *aspirational*, but *deliverable*.

Green Belt

- 7.74 The Cherwell Group do not consider it necessary for a Green Belt to be provided to the east of Exeter. The proposed new community benefits from strong defensible boundaries to the west, south and north, including the Clyst Valley Regional Park, the M5, the A3052 and the A30.

- 7.75 No such designation has been required for the Cranbrook New Community and it is considered that, if necessary, other development management policies would suffice. The Cherwell Group are aware that, for instance, Green Wedge designations have successfully been used at Cranbrook. Moreover, such a designation may impact on the ability for the Local Planning Authority to allocate land for the additional 2,000 homes that is to be made in a subsequent development plan document. Consequently, it is not considered that the tests of para. 144 of the NPPF have been met in this instance.

Summary

- 7.76 It can be seen that the proposed new community strongly accords with para. 74 of the NPPF. It is therefore, in these terms, *consistent with national planning policy*.

SYNTHESIS

- 7.77 The Cherwell Group considers that, fundamentally, the second new town is a sound proposition. They consider that it is founded on robust evidence and provides a strong fit with *national planning policy*.
- 7.78 They have suggested a number of minor amendments to the proposed wording of Policy WS01. These suggested alterations are proposed to ensure that the allocation is both *justified* and *effective*.

8 Development management policies

- 8.1 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 following proposed policies:
- Strategic Policy SP08;
 - Strategic Policy WS09;
 - Strategic Policy CC01;
 - Strategic Policy CC02;
 - Strategic Policy CC05;
 - Strategic Policy CC06;
 - Strategic Policy AR01;
 - Strategic Policy AR02;
 - Strategic Policy HN02;
 - Policy HN03;
 - Policy HN04;
 - Policy HN05;
 - Policy TR04;
 - Policy TR06;
 - Policy PB03;
 - Strategic Policy PB04;
 - Strategic Policy PB05;
 - Policy PB08;
 - Policy PB09; and
 - Policy OS02.
- 8.2 The comments are made with the intent of helping the Local Planning Authority move forward with the Local Plan with alacrity.
- 8.3 The Cherwell Group's concerns for each policy listed above are set out in turn below. Suggestions for the alterations required to each policy to ensure that they are sound have also been provided.

STRATEGIC POLICY SP08 – PHASED DELIVERY OF INFRASTRUCTURE SERVICES

- 8.4 Policy SP08 of the emerging Local Plan 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.
- 8.5 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. They intend to revisit their access

arrangement on to the A3052 after the publication of the Greater Exeter Transport Model is published and more accurate traffic data is available. This will ensure that the access is sufficiently sized to accommodate not only the development proposed by the Cherwell Group, but also all other development to the north that will utilise the southern access point.

8.6 They therefore consider Policy SP08 to be *effective* and *justified*.

STRATEGIC POLICY WS09 – CLYST VALLEY REGIONAL PARK

- 8.7 Amongst other things, Policy WS09 of the emerging Plan requires all major development within or on land adjacent to the Clyst Valley Regional Park, either directly or through mitigation, to: (1) meet the Local Plan requirements for green and blue infrastructure; (2) provide connected cycling/walking infrastructure, including extensions or links to the Clyst Valley Regional Park; (3) restore and enhance the landscape character of the Clyst Valley; (4) reduce pressure on environmentally sensitive locations, including via SANG; (5) contribute to the excellent ecological status of the River Clyst and its tributaries; and (6) to contribute to, or make proportionate contributions to various Clyst Valley Regional Park targets.
- 8.8 Whilst the Cherwell Group are supportive of the existing strategically important Clyst Valley Regional Park and its proposals to enlarge it, they are concerned that as currently drafted, the emerging Policy is not, as required by para. 16 of the NPPF, *clearly written* and *unambiguous*. Whilst it is clear that the Policy applies to all land that is proposed within the Park designation as defined on the Policies Map, it is not clear as to what is meant by “*adjacent*” in the context of the emerging Policy.
- 8.9 In order to provide the necessary clarity, the Policy should only be applicable within the land allocated as forming the Clyst Valley Regional Park on the Policies Map.

Suggested changes

“Development proposals within ~~and adjacent to~~ the CVRP will integrate Green Infrastructure and support the achievement of the objectives in the CVRP Management Plan. Any schemes that do not contribute to these objectives, or which would frustrate their implementation, will be refused planning permission.”

And

“All major development proposals within ~~or on land adjacent to~~ the Clyst Valley Regional Park will need, directly or through mitigation, to.”

And

“Where major development occurs outside of but close to the allocated park, ~~we would wish to see all the above policy tests addressed and also~~ green space provision associated with or required for the development should, where possible, be linked to and provide pedestrian and cycle access into the CVRP.”

STRATEGIC POLICY CC01 – CLIMATE CHANGE

- 8.10 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 policy requirement needs to be read in the context of Government guidance and Building Regulations.

Net-zero carbon

- 8.11 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."

- 8.12 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."

- 8.13 This is also reiterated in the PPG,¹⁴ 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."

- 8.14 The Written Ministerial Statement confirms that if planning policies propose local efficiency standards for buildings that go beyond current or planned Building Regulations, they should:

- ensure that development remains viable; and
- the impact is expressed as a percentage uplift of a dwelling's target emissions rate, using a specified version of the standard assessment procedure.

- 8.15 Consequently, if it is the intent for developments to achieve net-zero carbon, then the tests above will need to be satisfied. At present, the viability work only provides a cost that reflects the Future Homes Standards and the Local Plan does not contain any policies that refer to target emission rates.

- 8.16 It is therefore concluded that the Policy, as currently drafted and evidenced, can only, in the terms of the movement towards net-zero, be set within the context of existing and emerging Building Regulation standards. This should be confirmed in the Policy's supporting text. To adopt a differing and more onerous policy framework *would conflict with national planning policy* and be an *unsound proposition*.

¹⁴ MCLG, Planning Practice Guidance, Climate Change, Paragraph: 009 Reference ID: 6-009-20150327

Low carbon and renewable energy

8.17 The Cherwell Group notes that the Policy seeks to maximise opportunities for the delivery of low carbon and renewable energy, district heat networks and energy storage facilities. Again, whilst a commendable approach, the requirement, as it relates to housing, needs to be framed within Government policy and guidance.

8.18 We are aware in discussions with East Devon, that they are, in certain circumstances, seeking new developments coming forward as allocations within the Local Plan, to provide, via low carbon and renewable energy, an energy balance. This, however, would move beyond the requirements of Building Regulations. This would, as has been demonstrated above, require clear and compelling evidence. Without such evidence, the Policy would *not be consistent with national planning policy* and would be *unsound*. We also draw attention to the PPG¹⁵, which states that:

“Provisions in the [Planning and Energy Act 2008](#) also allow development plan policies to impose reasonable requirements for a proportion of energy used in development in their area to be energy from renewable sources and/or to be low carbon energy from sources in the locality of the development.”

8.19 Any requirement to maximise low carbon and renewable energy, or particularly to create an energy balance, would appear to be at odds with national guidance which suggests that only a proportion of energy should be used.

8.20 Consequently, the Policy is considered to be *unjustified and inconsistent with national planning policy*.

STRATEGIC POLICY CC02 – NET-ZERO CARBON DEVELOPMENT

8.21 Amongst other requirements, Policy CC02 of the emerging Local Plan requires all new homes to meet the energy efficiency requirements set out within the Future Homes Standards.

8.22 As set out above, the Future Homes Standards will ensure that a new home designed to meet these standards is zero-carbon ready and will rely on the decarbonisation of the grid to ensure that a home becomes zero-carbon.

8.23 From their implementation date, their application will be unobjectionable. The implementation date is, at present, proposed to be in 2025. On the implementation of the standards, a new method of assessment will be introduced, which is currently proposed to be the Home Energy Model (HEM).

8.24 However, in the period until the implementation of the new standards, the HEM will not be available. As part of the Future Buildings Standard consultation, a beta version of the HEM was made available for use by consultants. However, as the consultation is now closed, the tool is no longer available for use. Therefore, if the expectation is for homes to be assessed against the Future Homes Standard prior to its implementation, then there is currently no tool or platform available for this to be undertaken. Consequently, the policy requirement is *ineffective*.

8.25 In any event, prior to their implementation, the application of the enhanced standards would, as established in our response to Policy CC01, be *contrary to national planning policy and guidance*.

¹⁵ MCLG, *Planning Practice Guidance, Climate Change*, Paragraph: 012 Reference ID: 6-012-20190315

8.26 Moreover, it is noted that there is a requirement for major non-residential development to achieve at least BREEAM excellent standards, unless it is demonstrated that they cannot technically be complied with, or render a proposal unviable. However, and noting that the Policy is set within a title of 'net zero carbon development,' it is instructive to note that the BREEAM standards do not measure net zero carbon development, as carbon emissions are only considered within two credits; Ene 01 (Reduction of energy use and carbon emissions) and Mat 01 (Environmental Impacts from Construction Products – Building Life Cycle Assessment (LCA)).

Suggested change

"All new homes (including conversions) will be required:

*A. To meet energy efficiency requirements set out in **Building Regulations Part L 2021** ~~the building regulation Future Homes Standard (FHS) 2025 or successor standards. If the FHS 2025 is not incorporated into Building Regulations by the date of Local Plan adoption, the draft standards as set out in The Future Homes and Buildings Standards: 2023 consultation²³~~ will be required in developments;"*

STRATEGIC POLICY CC05 – HEAT NETWORKS

8.27 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, in the future, switch from a gas system, to using residual heat from an energy to waste site, which is, for a number of proposed allocations, including the new community, located within 1km. As such, the Policy would expect them, unless it is not technically achievable or undermines commercial viability, to connect into the system. However, the Energy Assessment Guidance (2022) published by the GLA¹⁶ 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 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.

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

Suggested change

8.29 The Policy should be reworded as follows:

¹⁶ <https://www.london.gov.uk/programmes-strategies/planning/planning-applications-and-decisions/pre-planning-application-meeting-service/energy-planning-guidance>

~~“For all major developments proposed within 1km of an existing heat network connection to the existing heat network should be provided.~~

~~When the connection is deemed undeliverable, evidence should be submitted to the planning authority's satisfaction to demonstrate why connections cannot be reasonably achieved. If the connection from the point of occupation cannot be provided, the development will be expected to incorporate, where feasible, infrastructure for future connection to the Heat Networks.~~

~~In addition, Proposals above 1,200 homes or 10 ha of commercial floor space, if not connecting into an existing heat network will be required to provide their own network, unless it is demonstrated to be technically not achievable or significantly undermines...”~~

STRATEGIC POLICY CC06 – EMBODIED CARBON

- 8.30 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.
- 8.31 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.
- 8.32 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.

STRATEGIC POLICY AR01 – FLOODING

- 8.33 The Cherwell Group objects to 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 SuDS 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 event,¹⁷” (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 event¹⁸.*” Such an approach

¹⁷ Section 5.4

¹⁸ Section 5.5

relies upon 'long term storage,' which is a very different calculation to the proposed policy wording.

- As drafted, the Policy opposes the use of culverting in any situation, regardless of how minor the watercourse may be. Whilst the intent is understood and on the whole supported, its strict application might require clear span bridges over shallow and narrow field ditches, which ordinarily, might require a small 225mm pipe culvert to enable footway/cycleway/road crossings.

Suggested changes

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

"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. Preference will be given to systems that reduce pollution risks and contribute to the conservation and enhancement of biodiversity and green infrastructure where practicable. Within Critical Drainage Areas, SuDS should result in a reduction of existing runoff rates."

And

*"F. Where appropriate, the opportunity for Natural Flood Management in rural areas, SuDS retrofit in urban areas and river restoration should be maximised. **Wherever practicable**, culverting should be opposed, and day-lighting existing culverts promoted through new developments."*

STRATEGIC POLICY AR02 – WATER EFFICIENCY

8.35 Policy AR02 proposes to require all new dwellings to meet the Optional Technical Housing Standard of 110 litres of water, per person, per day. The PPG¹⁹ confirms that when applying the optional requirement, local planning authorities should establish a clear need based on:

- existing sources of evidence;
- consultation with local water and sewerage companies, the Environment Agency and catchment partnerships; and
- the potential impact on viability and housing supply of adopting the requirement.

8.36 Para. 7.5 of the emerging Local Plan confirms that the water cycle study provides the necessary evidence for adopting the optional standard. However, the Cherwell Group note that at present, the water cycle study has not been published. Accordingly, the proportionate evidence has not been provided to demonstrate that the proposed policy is either *justified or consistent with national policy*.

Suggested changes

8.37 The suggested changes will depend upon the conclusions of the water study.

STRATEGIC POLICY HN02 – AFFORDABLE HOUSING

8.38 Emerging Policy HN02 does not, at present, provide an affordable housing requirement, or a tenure mix, for the second new community. The Cherwell Group agree that without an infrastructure

¹⁹ MHCLG, Planning Practice Guidance, Housing: optional technical standards, Paragraph: 015 Reference ID: 56-015-20150327

delivery plan and a bespoke viability assessment for the second new community, the approach taken by the Local Planning Authority is, at this stage, appropriate.

- 8.39 They do, however, consider that, in order for the Local Planning Authority to demonstrate that the proposals at the second new community are *deliverable* and therefore *effective*, there will be a need for the infrastructure delivery plan and the bespoke viability work to be published alongside the second Regulation 19 consultation. Indeed, such evidence is a requirement of para. 34 of the NPPF and will need to be provided as part of the Plan process. Reference for the need for an infrastructure delivery strategy and a financial appraisal to be agreed as part of the development management process as stated in WS01, does not negate the need for this work to be provided in support of the plan-making process.
- 8.40 In light of the above, the Cherwell Group reserves the right to comment on matters relating to affordable housing tenure and mix and wider viability considerations in due course.

POLICY HN03 – HOUSING TO MEET THE NEEDS OF OLDER PEOPLE

- 8.41 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.
- 8.42 Whilst potentially having a significant impact on its delivery and viability, the Cherwell Group is also concerned that the application of Policy WS01 and emerging Policy HN03 could create ‘mutually irreconcilable’ policy tensions. 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 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.
- 8.43 To remedy the *effectiveness* of the Policy, 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.

POLICY HN04 – ACCESSIBLE AND ADAPTABLE HOUSING

- 8.44 The PPG states²⁰ 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

²⁰ MHCLG, Planning Practice Guidance, Housing: optional technical standards, Paragraph: 007 Reference ID: 56-007-20150327

- the overall impact on viability.

8.45 The evidence base supporting the Plan²¹ suggests that the minimum combined need for both Category M4(2) and M4(3) housing, having regard to the accessibility and adaptability of the existing housing stock, would be:

- affordable housing – 1,047 dwellings; and
- market housing – 4,072 dwellings.
- total = 5,119 dwellings.

8.46 The maximum need was identified as being 12,959 dwellings.

8.47 On the basis of these conclusions, the Local Housing Needs Assessment confirms that *“East Devon should plan for a minimum of 30% of the LHN to be both M4(2) Category 2 or M4(3) Category 3 housing²².”*

8.48 However, as drafted, the emerging Local Plan seeks all new dwellings to meet Category M4(2) Building Regulation standards, with additional M4(3) (a) and/or (b) requirements for specialist accommodation for older people, affordable housing for rent and affordable housing for homeownership.

8.49 Assuming that the housing requirement was met in full, then over the plan period, a total of 20,909 homes would be delivered as either M4(2) or (3) dwellings. This is a significantly higher quantum of accessible and adaptable dwellings and wheelchair user dwellings than the evidence suggests is necessary.

8.50 Consequently, the Plan is seeking the provision of a significantly greater proportion of accessible and adaptable homes and wheelchair adaptable and wheelchair user dwellings than the evidence suggests is necessary. This is not a *justified* proposition.

POLICY HN05 – SELF-BUILD AND CUSTOM BUILD HOUSING

8.51 The Cherwell Group are supportive of Policy HN05 which will be a key component of how the needs of those wishing to build or commission their own home will be met over the plan period.

8.52 Notwithstanding their general support for the emerging Policy, the Cherwell Group is concerned with the proposed requirement for self-build plots to have a suitable road access delivered at an early stage of the development. For strategic sites, which are often subject of phasing, it could be impractical to provide a suitable road access at an early stage of the development. A more practical approach would be to require a developer to provide a suitable road access for the self-build plots at an early stage of the phase of the development that they are located within. This modest amendment would help to improve the *effectiveness* of emerging Policy HN05.

Suggested changes

*“B. Have suitable road access delivered at an early stage **of the phase of development that they are located within** ~~in the development~~,”*

²¹ ORS, *Local Housing Needs Assessment (2022)*, para. 8.5.

²² Para. 7.43.

POLICY TR04 – PARKING STANDARDS

- 8.53 The Cherwell Group broadly supports emerging Policy TR04, which utilises the same residential car parking requirements contained within Policy 20 of the Cranbrook Plan, which were independently examined and found to be appropriate.
- 8.54 They do, however, note that garages will not count as parking provision. This again follows the parking standards set within Policy CB20 of the Cranbrook Plan. However, the Cherwell Group note that despite this policy position, the Local Planning Authority insisted that Condition 39 was placed on planning permission 22/1532/MOUT, which requires any domestic garages provided within the Treasbeare Expansion Area to be kept free for the parking of motor vehicles and/or bicycles only. Consequently, there was a deliberate decision not to rigidly implement Policy CB20 of the Cranbrook Plan.
- 8.55 The Cherwell Group also note that Policy TR04 seeks to ensure that all developments are provided with electric vehicle charging points. As set out in para. 11.22 of the emerging Plan, this is a matter that is covered by Building Regulations and therefore it is arguable that this element of the Policy does not serve a *clear purpose* and duplicates the Building Regulations process. It is therefore *not consistent with national planning policy*.

Suggested changes

“In addition to the requirements of Part S of the Building Regulations, all new parking provision must provide provision of charging points to charge ~~electric vehicles and~~ electric bikes.”

POLICY TR06 – DIGITAL CONNECTIVITY

- 8.56 Policy TR06 of the emerging Local Plan requires major development that will be used or occupied by people, to have access to terrestrial or satellite superfast broadband and high-quality communications. As a matter of principle, this is unobjectionable and is supported by the Cherwell Group. However, as stated within para. 11.30 of the emerging Local Plan, the requirements for gigabit ready physical infrastructure and, subject to a cost cap per dwelling, a connection to a gigabit-capable network are established in Approved Document R of the Building Regulations.
- 8.57 Consequently, it is arguable that this element of the Policy does not serve a *clear purpose* and duplicates the Building Regulations process. It is therefore *not consistent with national planning policy*.

Suggested changes

- 8.58 The Policy should be deleted.

POLICY PB03 – PROTECTION OF IRREPLACEABLE HABITATS AND IMPORTANT FEATURES

- 8.59 Emerging Policy PB03 refers to the Hedgelink guidance, the Tree, Hedge, and Woodland Strategy for East Devon and BS 42020:2013. None of these documents constitute development plan documents for the purposes of Section 38(6) of the 2004 Planning and Compulsory Purchase Act. However, their inclusion within emerging Policy PB03 could inadvertently afford them development plan status, which is clearly not the intent. Reference to these documents should only be included within the Policy's supporting text.

Suggested changes

"Hedgerow management should be in accordance with, ~~Hedgeline guidance and the Tree, Hedge, and Woodland Strategy for East Devon~~ appropriate local guidance. Any new hedges must be distinctive to the local area."

And

"EclAs should be informed by recent survey information undertaken at suitable time of year following best practice guidelines ~~and BS 42020:201396 (or superseding standard).~~"

8.60 Reference to these documents could be made in the Policy's supporting text.

STRATEGIC POLICY PB04 – HABITATS REGULATION ASSESSMENT

8.61 It is noted that the Policy establishes that schemes that are located within a 10km straight line of any part of the Pebblebed Heaths SPA/SAC and the Exe Estuary SPA, will be required to provide mitigation to offset the increased recreational pressure associated with new development. Whilst the Cherwell Group are supportive of this now well established principle, they note that the specific mitigation requirements are not embedded in the emerging Policy, but are set out in the Plan's supporting text. Moreover, in relation to SANG, the occupancy rate to be used for calculating the requirement is not set out in either the Policy or its supporting text. This is a differing approach to that utilised within the Cranbrook Plan. The Cherwell Group consider that it would provide a greater level of *clarity* for the Plan to refer specifically to the mitigation requirements, including the occupancy rates to be applied.

8.62 The emerging Policy refers to a number of strategies and guidance documents. None of these documents constitute development plan documents for the purposes of Section 38(6) of the 2004 Planning and Compulsory Purchase Act. However, their inclusion within emerging Policy PB04 could inadvertently afford them development plan status, which is clearly not the intent. Reference to these documents should only be included within the Policy's supporting text.

Suggested changes

"Plans and proposals should take into consideration and be in accordance with the latest versions of all council and wider HRA guidance documents and strategies. These documents and strategies are intended to facilitate HRA assessment by providing a coherent strategic approach to the delivery of mitigation requirements whilst avoiding unnecessary duplication of assessment effort. ~~These documents include (existing and pending production):~~

- ~~• South East Devon European Sites Mitigation Strategy (existing and undergoing review);~~
- ~~• Beer Quarry Caves SAC Guidance Document (existing);~~
- ~~• Exmouth Imperial Recreation Ground Events Protocol (existing);~~
- ~~• River Axe SAC Mitigation Strategy (proposed);~~
- ~~• Pebblebed Heaths Vehicle emission impacting on designated site (proposed)."~~

8.63 Reference to the documents above should be made in the Policy's supporting text.

8.64 Para. 13.15 should be incorporated into Policy, as follows:

*"SANGS must provide 8 hectares of open space per 1,000 new residents, **calculated on a residential occupancy of [insert requirement] persons, per home**, and be appealing to dog walkers."*

STRATEGIC POLICY PB05 – BIODIVERSITY NET GAIN

- 8.65 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.
- 8.66 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.
- 8.67 Each is addressed in turn below.

Consistency with national planning policy and guidance

- 8.68 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 PPG²³ confirms 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.”*
- 8.69 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*.
- 8.70 An analysis of each of the requirements set out in the PPG is provided below.

Local need

- 8.71 Para. 13.23 of the Policy's supporting text states that *“the Nature Recovery Declaration (2023) commits to exceeding the 10% BNG target, recognising the link between biodiversity and climate crises.”* However, the evidence base document referred to does not appear to commit to exceeding the statutory minimum 10% net gain.
- 8.72 It is accepted that there are links between the climate crisis and biodiversity loss, but this is not unique to East Devon and the document does not provide any locally specific evidence to suggest why a 20% net gain is justified in East Devon. Indeed, the Cherwell Group is aware that two neighbouring authorities, Exeter City Council and Teignbridge District Council, are proposing a net gain that aligns with the statutory minimum, despite also declaring a climate emergency.
- 8.73 Moreover, even if the paper had provided 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%.
- 8.74 The Cherwell Group also note that para. 13.24 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*

²³ MHCLG, Planning Practice Guidance, Biodiversity Net Gain, Paragraph: 006 Reference ID: 74-006-20240214

biodiversity gains. Increasing BNG to 20% is feasible and necessary for significant ecological benefits."

- 8.75 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.
- 8.76 Instead, rather than seeking to increase the net gain requirement to 20%, it may be more appropriate for locally specific targeted habitat creation and enhancement, which would encourage more suitable net gain schemes and result in better outcomes. This could be incorporated into the emerging Local Nature Recovery Strategy.
- 8.77 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

- 8.78 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.
- 8.79 However, in East Devon's case, as confirmed in the Plan's Sustainability Appraisal²⁴, 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 previously 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.
- 8.80 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.
- 8.81 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 Map²⁵, which is listed as being under discussion with the Local Planning Authority.
- 8.82 Suitable habitat banks will be even harder to establish, due to:
- the emerging Policy limiting offsetting to only be within, adjacent to or contributing to the Nature Recovery Network (see 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.

²⁴ Page 97

²⁵ <https://www.devon.gov.uk/environment/wildlife/biodiversity-net-gain/devon-biodiversity-net-gain-map>

- 8.83 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 (late 2026).
- 8.84 This analysis certainly conflicts with the claim made in the emerging Local Plan at para. 13.25 that *“habitat bank proposals in East Devon indicate the potential to deliver substantial biodiversity units.”*
- 8.85 Whilst, as is confirmed at paras. 13.25 and 13.26 of the emerging Plan that *“BNG can be integrated with Suitable Alternative Natural Greenspace (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.

Viability

- 8.86 A net gain requirement of 20% will have an impact on development viability.
- 8.87 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%²⁶. 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.”*
- 8.88 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 base.
- 8.89 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

- 8.90 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, 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

- 8.91 As set out in Section 9 of these representations, 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.

²⁶ Para. 6.11.2 of the Biodiversity net gain and local nature recovery strategies: impact assessment.

Summary

- 8.92 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.
- 8.93 Consequently, the Cherwell Group consider that 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.

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 they should contribute to ecological networks and published strategies in accordance with BNG principles.”~~

POLICY PB08 – TREES, HEDGES AND WOODLAND ON DEVELOPMENT SITES

- 8.94 The emerging Policy refers to a number of strategies and guidance documents. None of these documents constitute development plan documents for the purposes of Section 38(6) of the 2004 Planning and Compulsory Purchase Act. However, their inclusion within emerging Policy PB08 could inadvertently afford them development plan status, which is clearly not the intent. Reference to these documents should only be included within the Policy's supporting text.

Suggested changes

~~“Where trees are present on a development site proposals will need to be designed, and schemes implemented, in a manner that retain good quality and healthy woodland, trees and hedgerows. This is to specifically include protection of: ancient woodland; ancient and veteran trees; those with visual amenity value; those that support wildlife (such as some appropriate U category trees as part current BS 5837...”~~

And

~~“All development proposals where trees over 75mm diameter at 1.5m and native hedges are present, or where trees outside of the boundary are within the root protection area or the crowns of which overhang the development boundary will need to be informed by relevant British Standards for trees BS 5837 Trees in relation to design, demolition and construction (or the most up to date version), the recommendations of which will be taken fully into account in the scheme design.”~~

And

~~“No building, hard surfacing, drainage or underground works will be permitted that does not accord with relevant national guidelines the principles of BS 5837 or Volume 4 National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees Issue 2 (or the current revision or any replacement) unless,~~

exceptionally, the Council is satisfied that such works can be accommodated without harm to the trees concerned or there are overriding reasons for development to proceed.”

And

“The provision of new trees and hedges shall be based on the principles outlined in the ~~Devon Tree Strategy, the Tree, Hedge, and Woodland Strategy for East Devon, Devon County Right Tree Right Place Guidance, and New Devon Hedges and relevant guidance provided by Trees and Design Action Group (TDAG)~~ latest local guidance for trees, hedgerow and woodland and other relevant national guidance.”

POLICY PB09 – MONITORING REQUIREMENTS FOR NEW PLANTING SCHEMES

- 8.95 The Cherwell Group note that the Policy requires developers of major developments to provide a financial bond prior to the commencement of development, which will be realised on fulfilment of the requirements set out in the Policy. However, there appears to be little evidential basis for this requirement and it has not been demonstrated that a conventional approach to monitoring and replacement planting could not continue to be used, or is not presently working.
- 8.96 Moreover, the Policy does not appear to be clearly written and therefore contrary to national planning policy, for no information is provided about when and how the bond will be returned to the developer (i.e. does the Local Planning Authority need to visit the site after five years and what happens at the end of the monitoring period if there is a disagreement over whether the works are satisfactory).
- 8.97 Consequently, the emerging Policy, as currently drafted, is *unjustified and not consistent with national planning policy*. The Policy is capable of being sound if the requirement for a bond is removed.

Suggested changes

“For major developments this will also require the placement of a financial bond by the developer prior to the commencement of construction, equal to 25% of the calculated planting cost for the scheme, or agreed phase, to be released on fulfilment of the following to the satisfaction of the planning authority:

A. Within 1 month of the completion of planting works, the issue of a signed certificate by the developer’s landscape architect or other appropriately qualified/ experienced professional consultant confirming that the planting works have been overseen by them and completed in accordance with the approved details.

B. For years 1-5 thereafter, the issue of an annual inspection report by the developer’s landscape architect confirming that maintenance of the scheme has been carried out in accordance with the approved details and identifying any plant failures or other defects that require rectification together with a program for their implementation at the earliest opportunity. The annual certificate shall also confirm the satisfactory rectification of any defects identified during the previous year’s inspection.”

POLICY OS02 – SPORT, RECREATION AND OPEN SPACE PROVISION IN ASSOCIATION WITH DEVELOPMENT

- 8.98 The Cherwell Group acknowledge that the emerging standards are based upon the Fields in Trust guidance and Natural England’s Green Infrastructure and Accessible Greenspace Standards. However, the Cherwell Group are aware that the Local Planning Authority is currently preparing both an open space strategy and a playing pitch strategy. It is these documents that, as required by para. 102 of the 2023 version of the NPPF, will be used to provide the locally specific, robust and up-

to-date assessment of the need for open space, sport and recreation facilities and to identify opportunities for new provision. Accordingly, it is possible that, once the evidence base underpinning Policy OS02 is complete, there may be the need to revisit the standards established within the Policy.

Occupancy rate

- 8.99 The Cherwell Group is concerned about how emerging Policies OS02 and PB04 could interact with each other.
- 8.100 Policy OS02 outlines that the open space requirements should be calculated on the basis of an occupancy rate of 2.26 residents per home. However, at Cranbrook, the Cranbrook Plan establishes an occupancy rate of 2.35 persons, per home for SANG and open space.
- 8.101 It is not clear, and it is therefore *ambiguous*, as to whether the SANG occupancy rate at Cranbrook is to be used in the emerging Local Plan for the whole local authority area, or whether, as it derived from evidence regarding the new community, it will be used in a more geographically focused manner, or not at all.
- 8.102 Should the Cranbrook SANG occupancy rate be used in the emerging Local Plan, then there could be two differing occupancy rates being employed for differing open space typologies, on the same site.
- 8.103 It is therefore suggested that the occupancy rates for public open space provision set out within emerging Policy OS02 and within Policy PB04 are reviewed. It may be the case that the Local Plan needs to be more specific about the occupancy rates to be employed for public open space provision and SANGS, or adopt differing occupancy rates in different parts of the Local Authority.

9 Viability

- 9.1 The Cherwell Group acknowledge that at present, no infrastructure delivery plan or a specific viability assessment has been provided for the second new community. However, to assist, they have appointed Chester Harcourt to review the viability implications of the policies proposed within the emerging Local Plan. Their initial comments on the viability implications of the emerging Local Plan on the second new community are set out in Appendix 3.

10 The evidence base

- 10.1 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 the 'East Devon – Options Appraisal for a potential New Settlement' Report. 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.

EAST DEVON – OPTIONS APPRAISAL FOR A POTENTIAL NEW SETTLEMENT' REPORT

- 10.2 The 'East Devon – Options Appraisal for a potential New Settlement' Report rightfully concludes that of the options assessed, Option 1 (land to the north of the A3052 and to the south of the A30) is the preferred option. However, the Cherwell Group consider that for the reasons set out below, the assessment work underscores Option 1 and overscores Option 3 (land to the south of the A3052). The revised assessment work undertaken on behalf of the Cherwell Group therefore indicates that Option 1 outperforms Option 3 by a more significant margin.
- 10.3 The Cherwell Group's revised assessment work is set out below and follows the assessment categories set out in the original Report. It only re-assesses Options 1 and 3, as Option 2 was discounted in the evidence work.

Landscape sensitivity

- 10.4 Work undertaken on behalf of the Cherwell Group to evaluate landscape capacity broadly corroborates the findings of the 'Landscape Sensitivity Assessment for New Community East of Exeter' Report, prepared by Fiona Fyfe Associates Ltd. The assessment work concludes that land to the centre west of the study area is the least sensitive in landscape terms.
- 10.5 However, work undertaken on behalf of the Cherwell Group concludes that land to the immediate south of the A30 (northern part of LLU A) should be considered of medium sensitivity due to its proximity to the A30, and Exeter Airport, and the influence that these elements exert over the landscape. Moreover, development visible on higher land is not untypical of the wider landscape, and that with sensitive design and structural planting this could be accommodated. The way in which LLU boundaries have been determined does not however allow for this finer grain of assessment. Consequently, it was considered that LLU A should in fact be divided into two separate areas and assessed independently in a similar fashion to LLU G and LLU I.
- 10.6 The Cherwell Group's work also concluded that a broader proportion of LLU G to the south should be considered of High – Medium sensitivity due to the availability of distant views, its openness, its proximity to Clyst St George and its rural character.
- 10.7 On balance, the Cherwell Group are of the opinion that Option 1 and 3 should score equally.

Ecological impact/biodiversity

- 10.8 In the absence of any detailed ecological assessment work for large parts of Option 1 and for Option 3, no amendments are proposed to the original assessment's scoring for both Options in respect of ecological impact/biodiversity.

- 10.9 Notwithstanding the above, we note the conclusions of the Sustainability Appraisal²⁷ in respect of Option 3, which afforded Option 3 a major negative score “*given its proximity to the Exe Estuary and greater overall risk to the ecological network.*”

Flood risk

- 10.10 The original Assessment work, for flood risk, concludes for both Options 1 and 3 that they would result in a “*low to medium flood risk that can be reduced by well designed and implemented drainage and water mitigation strategies.*” Both Options were therefore scored 4.
- 10.11 Work by Calibro has suggested that the access from the A3052 required to deliver Option 3 would need to traverse a large area of floodplain (in excess of 150m). They conclude that delivering this access could require significant engineering works. It is likely that the Environment Agency will seek for minimum works to be included within the floodplain, so a wide clear-span bridge with intermediate supporting piers may be required for some of its length. Openings would need to be at least 0.3m but could be up to 0.6m above the flood level. Road construction is likely to be a further metre but could be higher to allow for buried services.
- 10.12 Whilst watercourse crossings will be required to deliver Option 1, the watercourses flow through much narrower well-defined valleys, so the crossing would be much shorter.
- 10.13 On the basis of the above, Calibro conclude that Option 3 is more constrained by flood risk than the original Assessment work suggests and should be downgraded to a 3, rather than a 4. The mitigation works required for its access could also have implications for other assessment categories, including landscape sensitivity and ecological impact.

Minerals

- 10.14 An assessment of the impact that Options 1 and 3 would have on mineral resources was provided in Section 6 of the original Report. Option 1 was afforded a score of 3, whilst Option 3 scored 5.
- 10.15 As set out in Table 6.5 of the Assessment, Option 1's reduced score reflects the Mineral's Safeguarding Zone within Hill Barton Business Park (Policy M2 of the Devon Minerals Plan) and the established strategic waste facility within the same Business Park (Policy W10 of the Devon Waste Plan).
- 10.16 In both instances the designations and their uses are geographically limited to the Hill Barton Business Park. As set out in para. 3.14 of the Report, the Hill Barton Business Park was excluded from the land take required to deliver the new community. Whilst this is not entirely reflected in Figure 3.3 of the Assessment, it clearly should have been.
- 10.17 Consequently, the score for Option 1 should be improved by a further 2 points.

Historic environment

- 10.18 At the present time, the Cherwell Group do not provide any comment relating to the impact that either Option could have on designated heritage assets. They note that the conclusions presented in the Options Assessment mirrors the conclusions with the Sustainability Appraisal, which itself concludes that:

²⁷ Page 268

“...all Options are likely to have minor negative effect due to potential impact upon the setting of designated heritage assets²⁸.”

- 10.19 We also note that there is only one Grade II Listed Building within Option 1 and three Grade II Listed Buildings within Option 3. As there are three times the number of designated heritage assets in Option 3, it follows that there is a greater chance of harming the significance of designated assets in Option 3, than Option 1. Therefore, whilst the scoring of both Options within this Representation mirrors the Options assessment, it could be argued that Option 3 should score lower than Option 1.
- 10.20 Given the above, the historic environment scoring from the original assessment work has been used within the revised assessment.

Sustainable accessibility

- 10.21 Section 7 of the CBRE report provides scores for the four assessment categories namely: walking, cycling, public transport and proximity to employment.

Walking

- 10.22 The report acknowledges that pedestrian infrastructure is presently limited as all three options are in a predominantly rural area. However, there are footways along the A3052 to the west of the Cat and Fiddle, which the report states are in the *“immediate vicinity of all three options”*. Whilst it is true that these footways are within close proximity to Option 1 and the western part of Option 2, they are not close to the bulk of Option 3 with only the extreme northern part of this Option located within walking distance. The A376 and B3179 (Woodbury Road) relate better to the bulk of Option 3 and do not have footways.
- 10.23 The Report also states that the proposed Clyst Valley Trail (CVT) is within the vicinity of Options 1 and 3. However, it is considered that Option 1 is better located for pedestrian access to the CVT in terms of distance and the ability to use existing routes such as Bishops Court Road. Option 3 is located further from the CVT and is separated by the A376, which would need to be safely crossed to access this route.
- 10.24 Therefore, it is hard to fathom how Option 3 scores higher than Option 1 for walking (by 4 to 3). It is suggested that Option 1 should score higher than Option 3.

Cycling

- 10.25 Again, the report acknowledges that cycling infrastructure is presently limited in the area, but states that Option 3 is close (within 1.5km) of National Cycle Route 2 (NCN2). This may be correct but it fails to mention that cyclists will have to cross the A376 and travel along Topsham Road to access this route. NCN2 is not immediately adjacent to Option 3 and so is not as convenient as the cycling score (4) suggests.
- 10.26 As already noted, it is our view that Option 1 is better located for the CVT, which will provide a direct, safe, green route to employment centres at the Science Park, Sky Park, and close access to Exeter Business Park and Sowton Industrial Estate. In addition, there is a traffic-free/advisory cycle route to the north of the A3052 from Westpoint that provides a route to Digby and Sowton train station and connects with other routes leading into Exeter city centre.
- 10.27 Therefore, it is difficult to comprehend why Option 3 scores higher than Option 1 for cycling (by 4 to 3). It is suggested that Option 1 and Option 3 should have similar scores for cycling (4 each).

²⁸ Page 270

Public transport

- 10.28 The Report states that whilst “all three options have a good level of existing connectivity by bus,” high-quality public transport provision will be needed for all options.
- 10.29 The Report identifies that there are already bus services along the A3052. It is worth noting that these stops are located within 500m of the centre of land at Axehayes Farm, and that two Planning Inspectors have found the location to be “well related in sustainability terms” in recent Appeal decisions.
- 10.30 The Report states that Options 1 and 3 are well related to train stations located on the Avocet railway line and in Exeter itself.
- 10.31 Therefore, again it is difficult to see why Option 3 scores higher than Option 1 for public transport (by 5 to 4). Given it is acknowledged that services will need to be improved for all options, it is suggested that Option 1 and Option 3 should both score 4 for public transport.

Revised scoring

- 10.32 Given the above, it is suggested that the sustainable accessible assessment category scores should be adjusted as shown below for the three categories (walking, cycling and public transport).

TABLE 2 – SUSTAINABILITY ACCESSIBILITY REVISED SCORING

ASSESSMENT CATEGORY	EDDC OPTION 1	REVISED OPTION 1	EDDC OPTION 3	REVISED OPTION 3
Walking	3	4	4	3
Cycling	3	4	4	4
Public transport	4	4	5	4
Total	10	12	13	11
Difference		+2		-2

- 10.33 The above scoring would provide a better fit with the conclusions of the Sustainability Appraisal²⁹, which concludes that Option 1 as having a major positive effect for connectivity and transport, with Option 3 only having a minor positive effect.

Highways

- 10.34 The modelling undertaken by WSP, which was approved by Devon County Council, identifies that Option 1 has a lesser adverse effect upon the surrounding highway network than Option 3. This is mainly due to the significant traffic impact that Option 3 has at the Clyst St Mary roundabout, and also at Junction 30 of the M5 motorway.

²⁹ Page 277

- 10.35 Various improvement options are identified in the report for the Clyst St Mary roundabout. Only two of these are deemed to be easily deliverable; namely the signalisation of the roundabout and the provision of a Park and Ride facility at Westpoint to reduce traffic flows through this junction. The latter could be provided on the Axehayes site as shown within the Vision Document appended to these representations. Given this, the score for the impact of Option 1 at the Clyst St Mary roundabout should be increased to 4 (from 3) and the deliverability score similarly increased to 5 (from 4). Indeed, it is odd how Option 2 and 3 have been awarded the same scores for the Clyst St Mary roundabout even though Table 7 in the WSP Technical Note clearly states that Option 3 has the “highest impact of the scenarios”.
- 10.36 The Report states that the East of Exeter Network will only be affected by Option 2. However, this seems hard to believe given that Option 3 will be accessed from the A376 according to the WSP Technical Note (along with an access onto the A3052 and B3179) and so some of this traffic will undoubtedly route onto the road network to the east and south of Clyst St Mary (as defined in Section 8.40 of the CBRE Report). Given this, the score for both the impact and deliverability of Option 3 on the East of Exeter Network should be decreased to 4 (from 5).

Revised scoring

- 10.37 The existing and revised scores for the highways assessment category are shown below for the two categories identified above to reflect the findings of the Hydrock/WSP technical work more accurately.

TABLE 3 – HIGHWAYS REVISED SCORING

ASSESSMENT CATEGORY	EDDC OPTION 1	REVISED OPTION 1	EDDC OPTION 3	REVISED OPTION 3
Clyst St Mary roundabout	3/4 (7)	4/5 (9)	1/4 (5)	1/4 (5)
East of Exeter network	5/5 (10)	5/5 (10)	5/5 (10)	4/4 (8)
Total	8/9 (17)	9/10 (19)	6/9 (15)	5/8 (13)
Difference		+2		-2

Utilities

- 10.38 The Cherwell Group do not demure from the conclusions presented within Section 9 of the Assessment in relation to utilities.

Net zero carbon development

- 10.39 At this stage, the Cherwell Group consider that the scoring for net zero carbon is appropriate. That said, they question why para. 9.131 raises concerns about the proximity of Exeter Airport being a potential constraint for solar energy in Option 1. At Cranbrook, which is located adjacent to the Airport, solar photovoltaic solutions are actively promoted within the Development Plan.

10.40 The Cherwell Group also note that Option 1 performed better than Option 3 in the Sustainability Assessment on minimising carbon emissions³⁰.

Climate resilience

10.41 Appendix F of the Options Appraisal includes an assessment of each Option's resilience to climate change. Figures are provided within the assessment work. However, for each element of work the three options appear to be located to the north of the A3052 and to the south of the A30 (i.e. within Options 1 and 2). Consequently, the Cherwell Group are unsure as to whether the climate resilience work has assessed only sub-areas within Options 1 and 2 and not Option 3, or whether the figures presented within the work are inaccurate.

10.42 Given the above, the Cherwell Group reserved the right to comment on this work at subsequent stages of the plan-making process and have excluded climate resilience from their revised assessment work.

10.43 They do however note that the Sustainability Appraisal concluded that "*Options 1 and 3 have similar overall climate resilience*³¹."

Deliverability

10.44 The Cherwell Group agree with the assessment work in relation to deliverability. They also agree that land assembly concerns reflect valuable lessons learnt at Cranbrook. We are also aware that the promoters of Option 1 have a proven record of delivering complex sites. The Cherwell Group are willing to work with other developers with land within Option 1 to bring forward a comprehensive development.

Overall score

10.45 The revised assessment work presented above would result in the following overall scores:

TABLE 4 - OPTIONS APPRAISAL TECHNICAL ASSESSMENT – SCORING SUMMARY

ASSESSMENT CATEGORY	OPTION 1	OPTION 3
Landscape sensitivity	2.5	2.5
Ecological impact/biodiversity	3.4	3
Flood risk	4	3
Minerals	5	5
Historic environment	3	3
Sustainable accessibility	4.3	3.8

³⁰ Page 270

³¹ Page 272

Highways	4.9	4.4
Utilities	3	2.3
Net zero carbon	3.3	3
Climate resilience	-	-
Deliverability	4.5	2.5
Total	37.9	32.5

HOUSING AND ECONOMIC LAND AVAILABILITY ASSESSMENT

10.46 Land at Axehayes Farm was assessed in the HELAA as site GH/ED/52. The assessment work rightfully concludes that the site is suitable, available and achievable. The Cherwell Group agree with this conclusion. The work provided in the accompanying Vision Document also demonstrates that this conclusion is appropriate.

10.47 Notwithstanding the above, the technical work undertaken by the Cherwell Group indicates that some of the site's suitability assessment work in the HELAA is overly cautious. These matters are set out below:

- **Heritage** - the HELAA assessment work concluded that the heritage sensitivity of the site is medium, as there is the potential for development to impact on Higher Holbrook Farm, which is a designated heritage asset. However, technical work prepared on behalf of the Cherwell Group by Orion Heritage concludes that *"there was no direct intervisibility between the built heritage assets within the 1km study area and the study site due to distance, vegetation and topography."* Consequently, the development of Axehayes Farm would not impact on the significance of any designated asset, including Higher Holbrook Farm.
- **Highways** - The HELAA Panel concluded that there was a need for significant preparatory strategic highways improvements to allow for the site to be developed. This included delivering infrastructure to minimise impacts on Junctions 29 and 30 of the M5 Motorway. However, this conflicts with more recent evidence prepared on behalf of the Council which concludes that *"development of 2,500 new homes up to the end of the Plan period could be accommodated without significant highways interventions³²."*

10.48 These revised conclusions should be reflected in an updated HELAA assessment for the subject site and the other evidence base documents that the HELAA has influenced.

³² Executive Summary, Options Appraisal Technical Assessment – Summary, 'East Devon – Options Appraisal for a Potential New Settlement,' 2022.

11 Summary and conclusions

- 11.1 These representations are submitted on behalf of the Cherwell Group, who control land at Axehayes Farm. The site is proposed for allocation as part of the proposed new community (Policy WS01). It follows that the Cherwell Group are **generally supportive** of the Regulation 19 version of the Plan.
- 11.2 Notwithstanding the above, they have the following comments regarding the consultation version of the Plan, which are made to assist the Local Planning Authority move forward with their Local Plan with alacrity:

STRATEGIC POLICY SP02

- Whilst the Cherwell Group do not formally comment on Strategic Policy SP02, they are aware of representations made to the Regulation 19 Local Plan that suggest that there is a need for the Local Plan to include a higher housing requirement. They are aware that there is a view that the transitional arrangements do not apply in this case, as a full Regulation 19 Plan was not published in the transitional period. In any event, for a Plan to be found to be positively prepared, justified and consistent with national planning policy, it should meet identified needs, which is presently 1,146 dwellings per annum. No evidence has been presented to suggest that this level of housing is not effective. Instead, the Local Plan seeks to meet only 82.9% of local need, which reduces to just 74% in the first 12 years of the Plan, with the application of a stepped trajectory. By planning for a lower housing requirement than needs suggest, the Local Planning Authority is not making its full contribution to boosting housing supply and will result in a requirement that will exacerbate housing affordability issues. The shortfall is not being met in a neighbouring authority. In addition, concerns have been raised that the Local Plan will not be adopted by late 2026 and therefore there is a need to extend the plan period by a further year. There is an adequate supply of land to meet a higher requirement and it would result in rates of delivery that have been achieved in the past. If the Local Planning Authority continues to plan for a lower requirement than need suggests, then shortfall from the 2016 Local Plan should be taken into account (approximately 3,500 homes).

SPATIAL STRATEGY AND THE DISTRIBUTION OF DEVELOPMENT

- The Cherwell Group is supportive of the Plan's proposed spatial strategy, which focuses growth in the western side of the District. This has been found to be the most sustainable strategy for accommodating development in East Devon in successive Local Plans. It is therefore justified.
- The distribution of development proposes to reduce the proportion of development directed to the western side of East Devon in comparison to the 2016 Local Plan. However, the level proposed reflects delivery rates in the West End from 2013 and is therefore effective.

HOUSING SUPPLY

- Whilst first completions from the New Community might occur modestly later than the Local Planning Authority suggest, the delay would not result in a rate of delivery that is ineffective. It is a rate of delivery that is modestly higher than was achieved at Cranbrook, but the initial phases came forward at Cranbrook at a time when other strategic developments were delivering, which could have affected the absorption rate. It is also a rate of delivery that is forecast from the Cranbrook Expansion Areas. Therefore, the required rate of delivery is considered to be effective.

THE SECOND NEW COMMUNITY

- The Cherwell Group strongly supports the allocation of a second new community at Strategic Policy WS01. On the basis of the evidence prepared by the Local Planning Authority, they agree

with 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.

- To ensure that the 3,300 homes from the second new community are achieved by 2042, there will be a need for multiple development nodes delivering in the period up to 2042, in both the north and south of the new community, each with multiple outlets.
- The Cherwell Group is supportive of the Local Planning Authority's emerging phasing strategy, which would see Axehayes Farm come forward in the period up to 2042. This would help to ensure that the development in the southern area of the site and in closest proximity to the services, facilities and employment opportunities within Exeter would come forward in advance of more peripheral locations to the east. It would help to ensure that the required sustainable and active travel connections within the western areas of the southern development node of the proposed new community come forward before development to the east.
- The Cherwell Group are concerned with the density assumptions made within the Local Planning Authority's work.
- There appears to be no evidence to justify the Local Planning Authority's proposed requirement for 30 Gypsy and Traveller pitches in the second new community. To ensure that the Policy is justified, there appears to be a residual requirement in the period up to 2042 for a maximum of five pitches. The application of the distribution of development proposed in the Local Plan would suggest that this provision should be made in the rest of East Devon, rather than in the West End.
- From a masterplanning perspective, the location of Gypsy and Traveller provision will need careful consideration.
- If the Gypsy and Traveller provision is to be located within the second new community, then it will need to be reflected in viability work.
- The Cherwell Group are supportive of the second new community including employment land provision; town centre uses; social, community and education provision; open space; and active, sustainable transport and other highway improvements. They look forward to reviewing the infrastructure delivery plan and the viability assessment for the second new community.
- They are supportive of the need for a robust stewardship and governance strategy and have highlighted an example of a scheme that their consultant team have worked on.
- They have suggested modest alterations to the emerging new community masterplan. The southern Park and Ride facility should be located in land controlled by the Cherwell Group (to help with the scheme's effectiveness) and there appears to be inadequate space of a suitable level to accommodate an all through school with special needs facilities in land controlled by the Cherwell Group.
- They have suggested, in order for Policy WS01 to be unambiguous, for further clarification to be provided as to what stage of the development management process the location-wide masterplan, infrastructure delivery strategy, phasing strategy and the financial appraisal is required and how it will be agreed. They also consider that these elements of work should be undertaken with meaningful engagement with all landowners and that requirement should be embedded within Policy.
- The Cherwell Group consider that it will, without any understanding of whether the additional 2,000 homes is to be located, be difficult to plan for the infrastructure requirements of a 10,000 home new community.
- They suggest that the proposals have a strong conformity with para. 74 of the NPPF.

DEVELOPMENT MANAGEMENT POLICIES

- A number of concerns are raised in relation to some of the proposed development plan policies, including: (1) Strategic Policy SP08; (2) Strategic Policy WS09; (3) Strategic Policy CC01; (4)

Strategic Policy CC02; (5) Strategic Policy CC05; (6) Strategic Policy CC06; (7) Strategic Policy AR01; (8) Strategic Policy AR02; (9) Strategic Policy HN02; (10) Policy HN03; (11) Policy HN04; (12) Policy HN05; (13) Policy TR04; (14) Policy TR06; (15) Policy PB03; (16) Strategic Policy PB04; (17) Strategic Policy PB05; (18) Policy PB08; (19) Policy PB09; and (20) Policy OS02.

VIABILITY

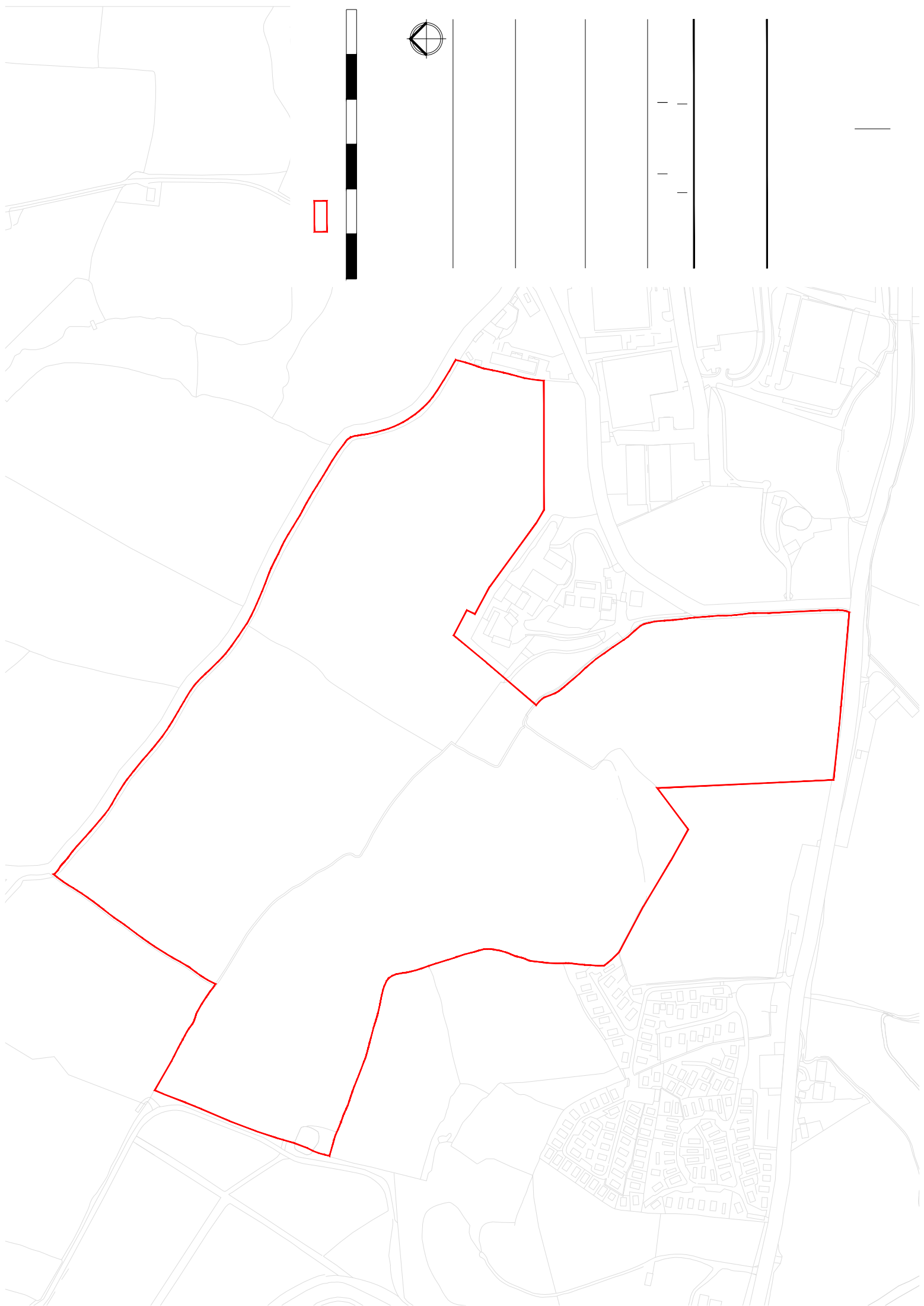
- Noting that a second new community specific viability assessment will be produced later in 2025, the Cherwell Group have provided their initial comments at this stage.

EVIDENCE BASE

- A number of concerns are raised about the scoring of Options 1 and 3 in the 'East Devon – Options Appraisal for a potential New Settlement' Report. The revised assessment work undertaken by the Cherwell Group demonstrates that of the options assessed, Option 1 is the most appropriate location for the second new town and by a more considerable margin.
- The HELAA assessment of land at Axehayes Farm is overly negative, particularly in respect of heritage and highways impacts.

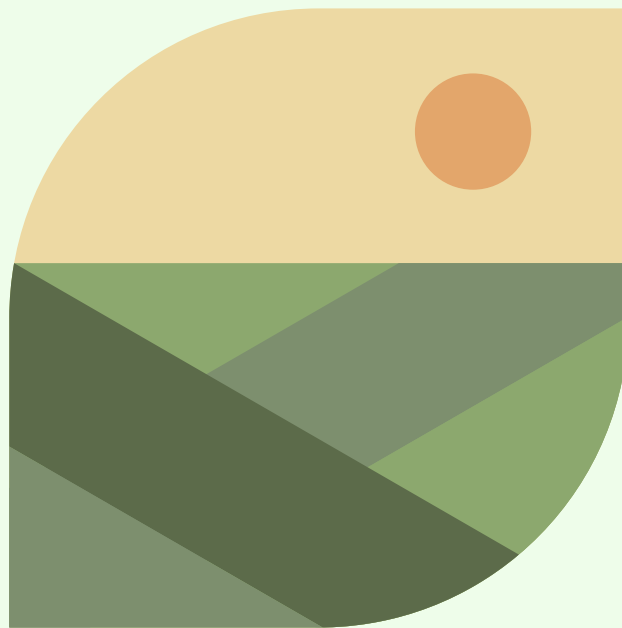
LRM Planning
March 2025

Appendix 1. Site location plan



Appendix 2. Vision statement

Axehayes



Vision Document

East Devon



CHERWELL

G R O U P

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Foreword ●



Axehayes represents a significant opportunity to create a thriving, sustainable, and well-connected community within East Devon's evolving growth strategy. Positioned at the heart of the district's plans for a second new community, this development seeks to deliver high-quality homes, essential infrastructure, and a landscape-led approach that prioritises both people and the environment.

The vision for Axehayes is shaped by key principles of placemaking, sustainability, and accessibility. Our masterplan is designed to integrate seamlessly with its surroundings and the wider vision for a new settlement in East Devon, fostering a well-balanced neighbourhood where residents can live, work, and play in a dynamic and forward-thinking environment. Through a carefully considered blend of residential, a potential small-scale community focused commercial offer associated with the Park & Ride, and green infrastructure, the development can contribute to the wider offer and will provide much-needed homes while preserving and enhancing the natural environment.

Sustainability sits at the core of this vision. Axehayes will champion biodiversity net gain, carbon-conscious development, and sustainable transport solutions, ensuring that the community is resilient and future-proof. A comprehensive green infrastructure network, including Suitable Alternative Natural Greenspace (SANGs) and enhanced pedestrian and cycle links, will create a liveable and environmentally responsible place.

Importantly, this vision has been shaped by collaboration with stakeholders, technical experts, and planning authorities. Axehayes is more than just a housing development—it is a strategic investment in the long-term prosperity of East Devon. Through high-quality design, infrastructure innovation, and a commitment to sustainability, this community will set a benchmark for future developments.

This document outlines the vision, principles, and framework for Axehayes as part of the new settlement, ensuring it delivers a high-quality, distinctive, and enduring. As we move forward, continued engagement with key partners will help refine and realise this vision, ensuring that Axehayes becomes a model for sustainable placemaking in East Devon.

Introduction ●



The Axehayes Vision Document sets out a clear and coordinated approach for the promotion of this site within the broader 10,000-home Second New Community in East Devon. Four key landowners and stakeholders have come together to take a collaborative, technical, and policy-led approach to the deliverability of the scheme as a whole.

Axehayes plays a strategic role within the wider masterplan, contributing to the overarching goals and policies of East Devon District Council. The four landowners are committed to ensuring that the development is policy-compliant, aligning with the council's aspirations for a sustainable, well-connected, and high-quality community.

This document outlines the different levels of the plan, focusing specifically on Axehayes' role within the Second New Community framework. It examines how the site contributes to key policy objectives, including:

- Housing delivery, meeting local needs while ensuring a balanced and diverse mix of homes.
- Sustainability and infrastructure, integrating green infrastructure, active travel, and biodiversity-led design.
- Connectivity and placemaking, ensuring Axehayes is well-connected and contributes to a sense of place within the wider development.
- Deliverability, assessing how the site will come forward in line with the broader framework.

Each section of this document explores a different aspect of the plan, ensuring that Axehayes is positioned as an integral part of the wider vision for the Second New Community in East Devon. The site is assessed against the council's aspirations and goals, demonstrating how it can help shape a future-proofed and successful community.

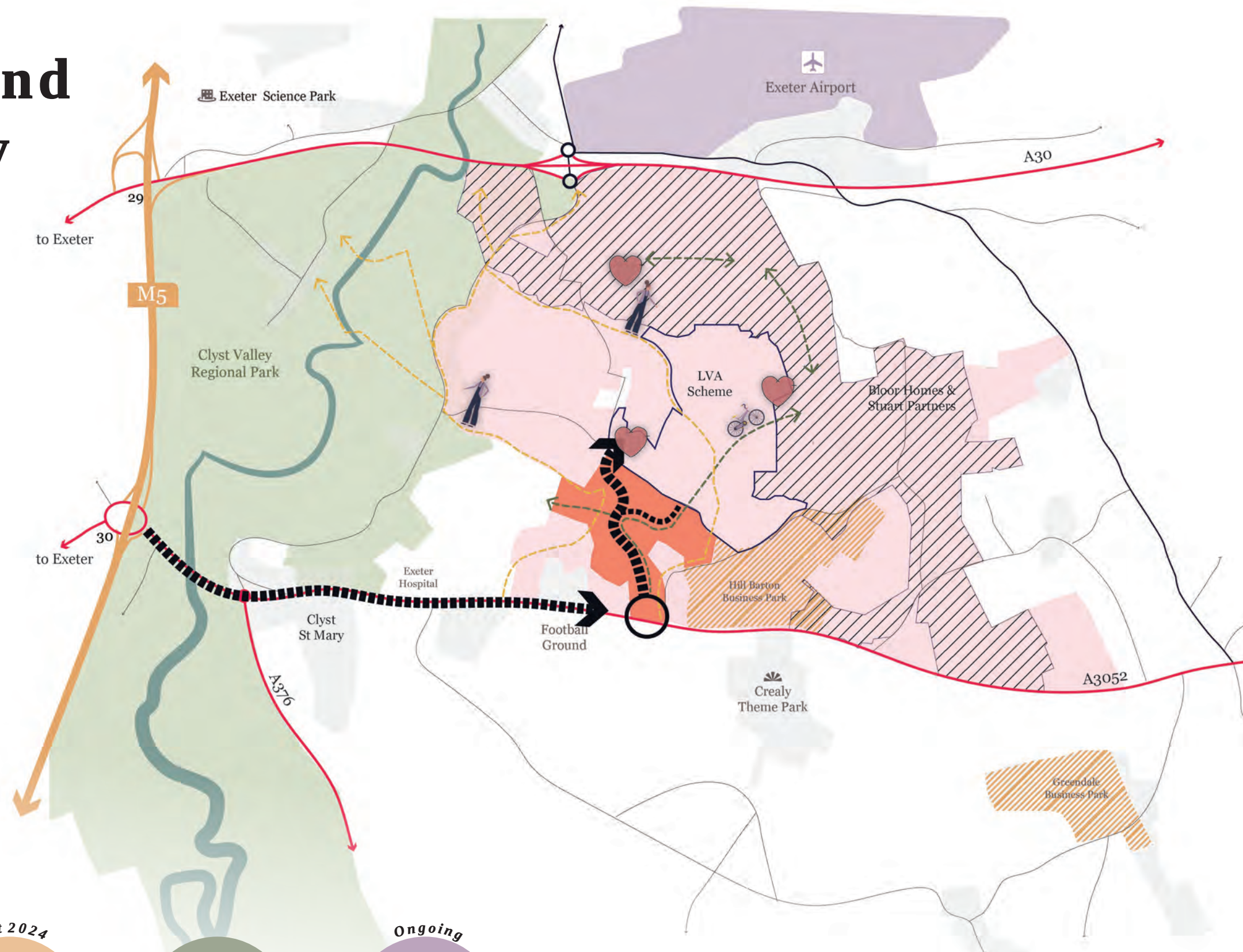
A Vision for East Devon Second New Community

East Devon have an ambition to deliver a sustainable new settlement to meet a significant proportion of their housing need. 60% of the District is within designated National Landscapes, presenting a constraint to development elsewhere within the District.

As such, the local plan is seeking to allocate land for a sustainable new settlement of 8,000 new homes, with a longer term ambition of an additional 2,000 homes, providing an appropriate scale for a self-sufficient community which delivers employment, services and infrastructure alongside new homes. This approach will help to reduce the pressure for development elsewhere in the District. East Devon District Council have submitted a proposal to the New Towns Taskforce.

What is the ambition for the new settlement?

-  A self-sustaining community
-  Sustainable transport - walking, cycling & future transport modes
-  Community & local economy
-  Targeting net zero



Jan-March 2021

Issues & Options Consultation

Reg 18 Consultation (Local Plan)

Nov-Jan 2023

Sept 2024

Preferred option identified, engagement on two concept masterplans

Draft concept masterplan

Ongoing

Ongoing

Next Steps...

The Strategic Opportunity

Axehayes offers a strategic opportunity to deliver much-needed housing quickly, thanks to its highly accessible location and well-considered development framework. The site can contribute to the wider offer, delivering a mixed-use development, integrating residential and small-scale commercial, which will meet local needs efficiently. The project aligns with future government policies on achieving Net Zero Carbon, fostering healthy living environments, and promoting biodiversity. Axehayes will create a future-proof, sustainable community.

The development will provide affordable, custom-designed homes, set within attractive open spaces, making it a desirable and viable option for local families. Axehayes has the potential to align with wider proposals in the area, contributing to a comprehensive masterplan that delivers a high-quality second new community. Overall, Axehayes stands out as a well-planned, well-located development capable of quickly delivering much-needed houses while offering a high quality of life for its residents.

Housing Delivery



The site is relatively unconstrained and is directly connected to the A3052 with good access links. It will be capable of quickly delivering houses to contribute to East Devon's second new community plans.

Location

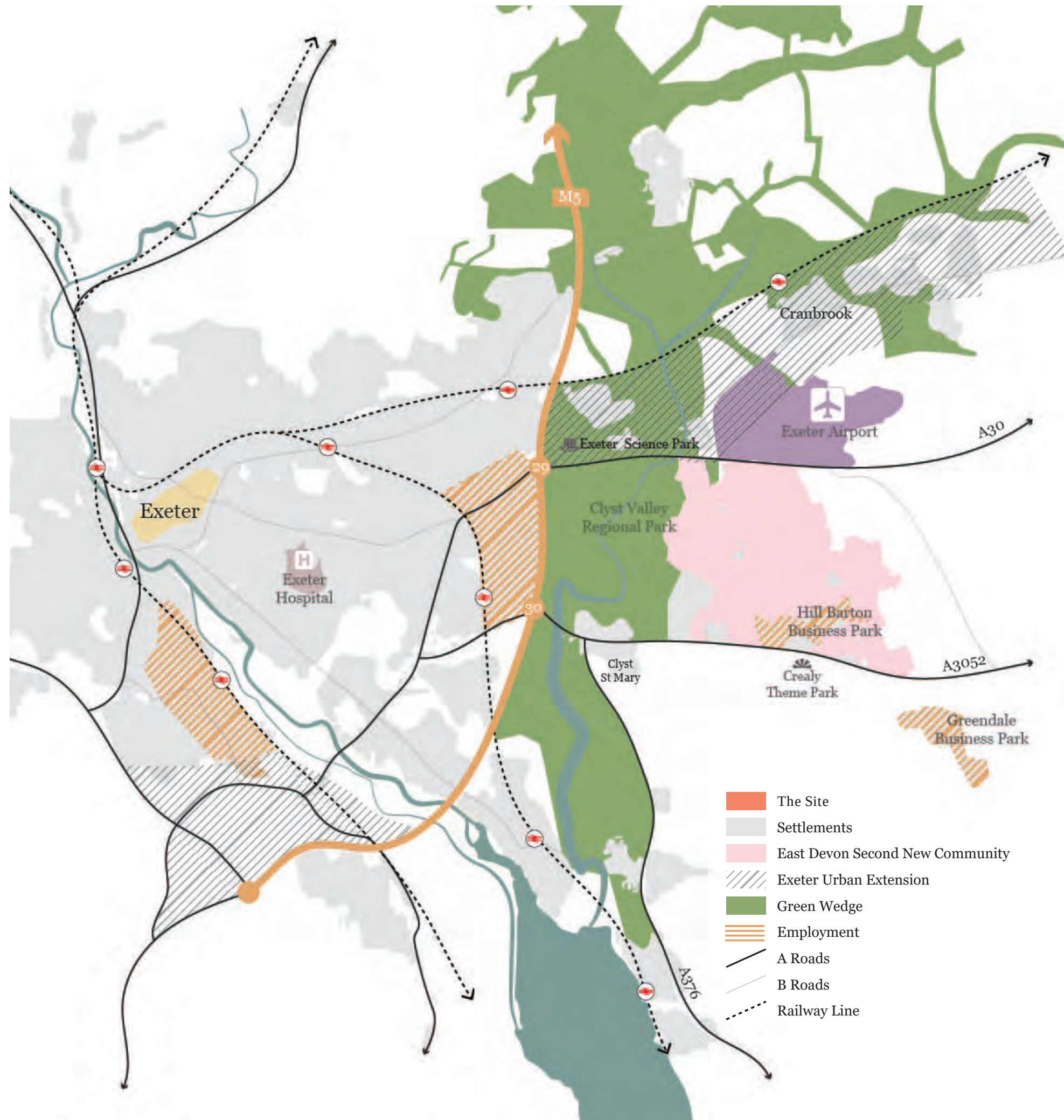


The location of the site is ideal for easy access into Exeter and is also within minutes of junction 30 on the M5. Apart from the proposed employment on site, there are several employment hubs accessible for new residents. The site will connect to the proposed wider sustainable transport network, providing easy access to broader transport connections, such as trains and Exeter Airport.

Mixed-Use



The site has the potential to deliver a well-balanced mix of uses that satisfies the need for new residents while contributing to wider aspirations. Our site could provide a small-scale, community focused commercial offer, such as a collaborative workspace, cafe or mobility hub facilities, to serve a range of users, providing localised, flexible provision.



Our Vision

To deliver **high-quality housing** that promotes sustainability, champions new technologies, and embraces the opportunity to deliver a Net Zero **Carbon Ready** scheme. **Placemaking** will be at the heart of all design proposals, ensuring a thriving community where people can live, work, and enjoy leisure time in harmony with **nature**.

Connectivity and **active travel** will be integral, promoting easy access to amenities and fostering a **healthy, vibrant community**. We are dedicated to creating a development that will work collaboratively with the wider framework goals to ensure continued **economic prosperity** for the region.



High-quality housing



Climate resilient



Placemaking



Active Travel



Healthy, Vibrant community



Economic Prosperity



Planning Context

Existing Local Plan

The principal document in the current Development Plan is the East Devon Local Plan 2013-31, which was adopted in January 2016. It establishes the overarching policy framework for East Devon.

Strategy 1 identifies a need for 17,100 dwellings across the Plan period, which equates to 950 dwellings per annum. Strategy 2 confirms that 10,563 dwellings (58%) of all new housing within the Local Authority area will be focused within the West End. The supporting text for Strategy 1 confirms that the West End will also be the focal point for economic development over the plan period.

Accordingly, the spatial strategy seeks to focus development closest to where jobs are likely to arise; where there is the greatest potential to secure increased public transport investment and usage; and close to where there is an existing sub-regionally important retail and cultural offering (Exeter).

Given the requirements of national planning policy at the time the Local Plan was written, this strategy for accommodating East Devon's needs must have been considered the most appropriate when considered against other reasonable alternatives.

Para. 7.20 of the Local Plan confirms that during its preparation, the Local Planning Authority considered the possibility of allocating a second new town, or a smaller housing proposal, along the A3052 corridor. It was acknowledged that development in the location would require significant infrastructure. It was therefore, at that time, not considered desirable to focus strategic levels of development along it. However, the Local Planning Authority committed to keeping "land supply and demand issues under consideration" and would "review provision in the years to come."

Emerging Local Plan

Given its age, the 2016 Local Plan is undergoing a review. East Devon District Council is currently preparing a new Local Plan. Two Regulation 18 consultations were held in 2022 and in 2024. More recently, a Regulation 19 version of the emerging local plan was published for consultation in February 2025. The Plan will cover the period 2020 to 2042.

Policy SPO2 (Levels of future housing development) confirms that, as a minimum, housing provision will be made for at least 20,909 dwellings (net). The housing requirement will be delivered through a stepped trajectory, with an annual target of 850 homes from 2020/21 to 2031/32, increasing to 1,070 homes per year from 2032/33 to 2041/42. Against this requirement, a total of 22,614 homes are projected to be delivered, which provides a flexibility allowance to mitigate against non-implementation.

Strategic Policy SPO1 confirms that the spatial strategy in the emerging Local Plan will broadly mirror the spatial strategy adopted in the 2016 Local Plan; the western side of East Devon is to continue to be the focus of development. This will include a further new community, which as suggested by the 2016 Local Plan, will be focused along the A3052 corridor.

Strategic Policy WSO1 of the emerging Local Plan provides the proposed policy framework for the second new community. It confirms that the new town will be a long-term strategic development that will be constructed over the course of the emerging plan's plan period, and the next. It will accommodate:

New homes

- up to 2042 - around 3,300 new homes on allocated land; and
- beyond 2042 – around 4,700 additional new homes on allocated land.

A further 2,000 new homes and associated development will also be accommodated in the longer term. This additional provision will be allocated in subsequent development plans.

Gypsy and Traveller provision

- up to 2042 – one or more sites accommodating at least 15 pitches; and
- beyond 2042 – one or more additional site or sites accommodating at least 15 additional pitches.

Jobs

- up to 2042 – at least 17.5ha of land in office, industrial and warehouse sectors (E, B2 and B8 uses); and
- beyond 2042 – around 30ha of land in office, industrial and warehouse sectors (E, B2 and B8 uses).

Town centre

- up to 2042 – the allocation of 15ha of land for a town centre, of which at least 5ha will be completed with operational town centre uses; and
- beyond 2042 – completion of additional town centre development to occupy a grand total of at least 15ha of land.

Social, community and education facilities

- social, cultural, sport, leisure, health, community and education facilities to meet the needs of all age groups will be provided. A total of 23ha of land is specifically allocated for education provision.

Infrastructure

- infrastructure provision is required. This will include at least 254ha of green and blue infrastructure (including SANG land).

Waste transfer station

- a waste transfer station is required.

Waste water treatment works

- waste water treatment works are required.

Development is to proceed on the basis of an agreed whole town masterplan, an infrastructure delivery strategy, a phasing strategy and a financial appraisal.

The new town will be built to high quality design standards and with a focus on sustainable construction and renewable energy production and use.

Ecology

- The site comprises several arable and agricultural grass fields with internal and boundary native hedgerows with trees and drainage ditches. Two ponds are also present.
- Surveys found use by commuting/ foraging bats (including Annex II species), badger, small numbers of slow worm and grass snake and a range of urban edge/ farmland associated birds, with potential to support common amphibians and hedgehogs. No dormouse or great crested newt were found to be present.
- The mitigation hierarchy will be followed, aiming to avoid impacts and retain the most valuable habitat. This includes maintaining green and blue corridors for wildlife; creating buffers to woodland and hedgerows, linking to off-site habitat; enhancement of existing habitats in the first instance with creation of ecologically valuable habitat (species-rich grassland, mixed scrub and tree planting) to compensate losses; implementation of a sensitive lighting scheme; and inclusion of species enhancements e.g. integrated nest boxes and habitat piles.



Landscape

The site lies within the Devon Redlands National Character Area and the Clyst Lowland Farmlands Devon Character Area which features lowland, undulating farmland, a well treed appearance but few woodlands, small to medium scale fields often with curving boundaries, small orchards on the outskirts of villages and views to the surrounding higher land.

At the local level, the site is located within Landscape Character Type (LCT) 3E Lowland Plains within the East Devon and Blackdown Hills Landscape Character Assessment and reflects some of the key characteristics of the LCT such as being formed by gently sloping/undulating land of medium-large scale with settlement and nearby farms of differing ages, styles and building materials. The site lies along a transport route but has few public rights of way in the vicinity. The site lies adjacent to a small woodland and fields are bound by hedgerows which include some mature oaks.

The site consists of a number of arable and pastoral fields set within an undulating landform with a mix of landuses within the local context. Surrounding the site are a park homes development to the south west, Westpoint Arena to the west, Axehays Farm and Yeo Business Park with a caravan and camping site to the east and the Hill Barton Business Park beyond. Crealy Theme Park lies to the south east and Exeter FC training ground is located to the south.

There are relatively few distinctive landscape features within the surrounding area. The landform generally rises gently from lower levels along the A3052 in the south but rises more steeply towards the north eastern boundary with a high point centrally on the north eastern boundary.

The medium sized fields of the site are irregular and bound by mature hedgerows with a relatively low number of large hedgerow trees. A small woodland known as

Cat Copse lies to the west on a locally raised landform but there is generally little woodland with only small woodland clumps within the surrounding area.

A field pond is located on the far western boundary, north of Cat Copse and a ditch runs east to west through the site leading into the Cat and Fiddle Park to the west. Outside of the site boundary the Grindle Brook runs to the south as a tributary of the River Clyst which flows to the west.

Views are limited by boundary hedgerows and the lower lying landform in the southern parts of the site, but the raised landform towards the north and north east allows longer views towards Exeter in the west as well as to the south and towards the raised and more wooded East Devon national Landscape to the south east. Views from the surrounding network of lanes are limited by high hedgebanks although some limited views are possible from open gateways.

The site is influenced and disturbed by the surrounding land uses, mainly from traffic along the A3052 but tranquillity increase away from this towards the north and northeast.

A Landscape Sensitivity study by East Devon District Council (EDDC) (Fiona Fyfe Associates, September 2022) was carried out to inform the new East Devon District Local Plan as part of the evidence base to inform the siting and design of a new community east of Exeter, with the site located within the wider Local Landscape Unit C: Cat and Fiddle. This provides analysis and design guidance for development, including the suitability of the site for development, suggestions for new recreational routes and green links to the Clyst Valley Regional Park and recommendations for planting towards the western edge to provide long term screening from the Clyst Valley.

Initial studies carried out to inform the developing masterplan proposals have identified varied levels of visual sensitivity across the site. The more raised landform towards the north eastern boundary allows views towards Exeter to the west as well as to the wooded skyline hills of the Pebble Bed Heaths to the south east and is considered to be of higher sensitivity. The more gentle landform on the north western boundary provides some containment and is in close proximity to Cat Copse and is considered to be of medium sensitivity while the lower lying land to the south, which is more associated with the A3052 and existing development is considered to be of lower sensitivity.

Flood Risk & Drainage

The proposed development lies within Flood Zone 1 and is therefore at low risk of flooding from rivers. An existing watercourse which crosses the site is susceptible to flooding from surface water, however development will be placed outside of land at risk and the implementation of a robust surface water management plan will assist in reducing flood risk overall. The surface water management plan will prioritise the use of Sustainable Drainage Systems (SuDS) to intercept and attenuate surface water, with final discharges limited to the equivalent greenfield rates. The proposed SuDS measures will protect the site from flooding throughout its lifetime, with allowances for future climate change. The measures will also improve water quality, and will seek to provide amenity and biodiversity enhancement.

Foul flows generated by the proposed development will be managed by a new wastewater treatment works and will therefore avoid having any adverse impacts on existing foul drainage infrastructure.



Sustainability

The proposed development will be designed and constructed to be climate resilient to ensure environmental impact is reduced and mitigated where possible. sustainability will be considered holistically by considering value to the individual (i.e. building user/resident), community and wider environment. This will be achieved by adopting a human centric and planet conscious approach.

During design and construction, circular economy principals will be adopted and implemented to reduce material resource demand, support sustainable procurement and encourage considerate construction practices.

To reduce impact from operation, the energy strategy will follow a fabric first approach, utilising energy efficiency and use of low and zero carbon technologies to reduce energy demand in the first instance. Finally, inclusion of renewable energy generation technologies will further reduce demand and minimise carbon emissions during operation.

By adopting a human centric approach, the design will consider and mitigate potential impacts from climate change, such as overheating, to ensure the development is a place where people can live, work and visit in a healthy environment from day 1 and for future generations.

Green certification such as BREEAM will be sought where appropriate to measure and verify performance achieved.



Access & Movement

Site Access

A five-armed roundabout is presently proposed to access the site from the A3052, which could also provide an improved access to the Exeter City FC training ground. This arrangement will be reconsidered when the Greater Exeter Transport Model is published later in 2025 and accurate traffic data is available to assess and refine the access layout.

Active Travel

New pedestrian and cycle connections are proposed to/ from the SANGS/Westpoint to the west, the wider new community to the north and Hill Barton Business Park to the east. Pedestrian connections along the A3052 will also be provided.

There will be LTN 1/20 compliant pedestrian and cycling infrastructure within the site including a principal cycle route along the primary street through the site.

These active travel connections will enable sustainable access to a range of local facilities and to the wider cycling network, particularly the strategic employment sites to the west.

Public Transport

Improving access to public transport options, such as buses and trains, will be a key priority. We will ensure that public transport facilities are conveniently located and well-integrated into the community, making it easier for residents to travel without a car.

A Park and Ride facility (1.5ha) is proposed to the north of the A3052 in the southern part of the site close to the vehicular access. This will provide a strategic transport hub to encourage and assist residents to make journeys between the site and Exeter/local facilities using sustainable modes of transport. This facility will also enable trips made by private vehicles from locations to the east of the new community to transfer onto more sustainable modes to travel to/from Exeter.

Mobility Hubs & Travel Planning

The provision of a mobility hub close to the Park & Ride facility, possibly with smaller local hubs around the site, will integrate the various forms of transport proposed to, from and within the site. These hubs will provide “first and last mile solutions” to connect communities to frequent public transport services and local facilities.

The mobility hubs themselves will provide hire schemes (electric bikes, pedal cycles, e-scooters, e-cargo bikes etc), electric car club and car sharing spaces, and use mobility technology to integrate various modes of transport along with information and payment functions into a single mobility service.

Site Layout

We will provide a site layout that maximises the potential for ‘walkable’ neighbourhoods where walking and cycling are the preferred mode of transport for local journeys. The site will integrate with the wider new community by the provision of new and improved pedestrian linkages and connectivity.

This will enable future residents and visitors to travel by a choice of travel modes for day-to-day facilities.



Our Site's Opportunity

1. Strategic Location and Connectivity

Axehayes is strategically located near the A3052, with the potential to develop a crucial new road link between the A3052 and A30. This location provides excellent access to Exeter and other key destinations, making the site highly attractive for residential and commercial development. The proposed link road could also help alleviate pressure on the M5, improving overall traffic flow in the area.

2. Mixed-Use Development Potential

The site offers significant potential for a mixed-use urban extension, incorporating high-quality housing, commercial spaces, and community facilities. This mixed-use approach can create a vibrant, self-sustaining community where residents have easy access to amenities. Additionally, there is an opportunity to expand local employment by building on existing uses at the nearby Hill Barton Business Park, further enhancing the economic prospects of the area.

3. Environmental and Green Infrastructure

Axehayes provides an excellent opportunity for a landscape-led development, where the natural environment shapes and guides the built environment. This approach can create a robust green infrastructure network that not only enhances the beauty of the area but also supports biodiversity. The development has the potential to deliver a biodiversity net gain through the creation of green corridors and wetland enhancements, which will also offer recreational spaces for residents.

4. Housing and Community Benefits

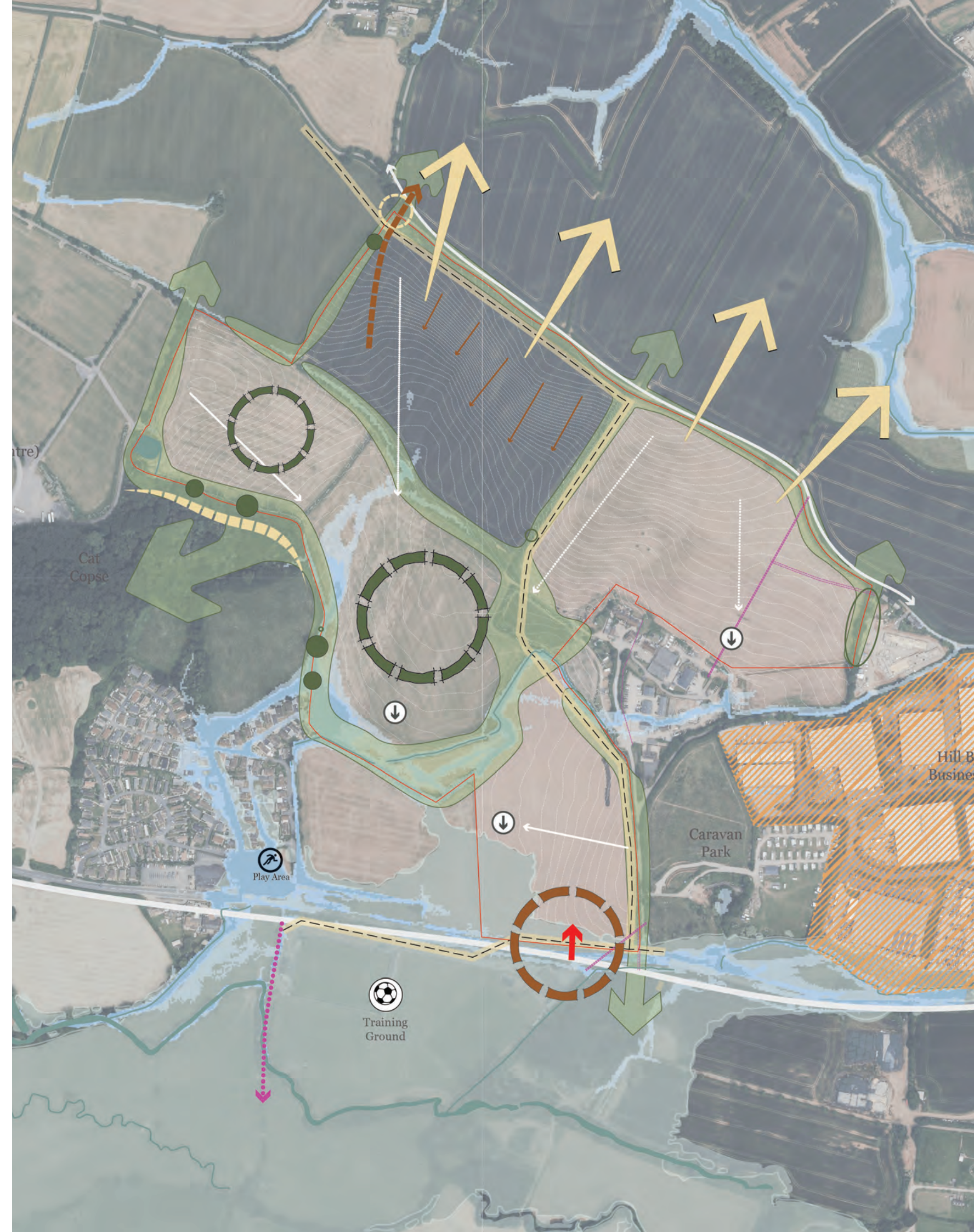
The development at Axehayes can play a vital role in meeting the local demand for housing, including the provision of affordable homes. Additionally, the site can support the establishment of a new community hub, offering essential services and amenities such as a local centre, community spaces, and play areas. These facilities will be crucial in fostering a sense of community and social inclusivity.

5. Sustainability Initiatives

Axehayes offers several sustainability opportunities, including the potential for on site renewable energy generation through rooftop PV and a fabric first approach to design to reduce energy costs and mitigate against fuel poverty. The proposals take a holistic approach to sustainability, with scope to provide social value and promote well-being through the inclusion of new spaces for play, recreation, access to nature, and allotments, providing space for the community to come together. The development plan also includes opportunities to enhance sustainable transport options, with new pedestrian and cycle routes that link to existing networks and the proposed Clyst Valley Regional Park.

6. Phased and Flexible Development

The site at Axehayes lends itself well to a phased approach to development, beginning with residential uses and allowing for future areas to come forward in a coordinated manner. This approach provides the flexibility to respond to evolving market conditions and community needs, supporting a sustainable and deliverable long-term vision. Such adaptability is key to ensuring the success and resilience of the development over time.

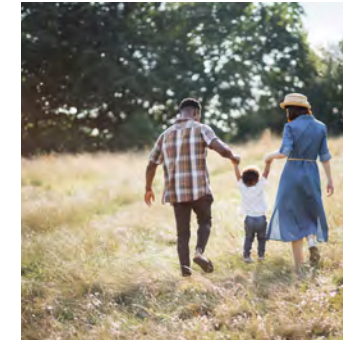


Our Deliverability

Established for over 30 years, Cherwell Group have successfully designed, built and delivered prime residential and mixed-use developments on demanding and complex sites. They are passionate about delivering projects that do not compromise on quality, design, materials and location. Their highly skilled team manage all aspects of the process, from conception and planning through to project delivery.



Delivering residential and mixed use developments



Creating new areas of public open space for all to enjoy



Promoting biodiversity and creating space for nature



OUR Key Principles

Our development is centred on four key priorities that define our vision for a sustainable and vibrant community. Together, these principles will ensure Axehayes is a forward-looking, sustainable community that addresses current needs and anticipates future challenges.

Leading with Green



involves enhancing biodiversity, creating high-quality open spaces, and implementing SANGs to blend environmental stewardship with functional outdoor areas.

We are committed to environmental stewardship by enhancing local biodiversity and creating high-quality open spaces.

A Place for People



focuses on thoughtful placemaking to enhance residents' quality of life, encouraging walking and cycling, and integrating diverse amenities within a well-designed, harmonious setting.

Our aim is to create a beautiful and cohesive environment where people can live, work, and enjoy leisure activities in harmony with nature.

Thinking about the Future



commits to net zero carbon emissions, energy efficiency, and effective resource management through advanced technologies and sustainable practices.

Our approach to future-proofing prioritises energy efficiency, low-carbon technologies, and sustainable construction in support of net zero goals.

Creating a Connected Place



focuses on reducing car dependence by prioritising walking, cycling, and public transport.

We will enhance transport infrastructure to make eco-friendly travel options convenient, inclusive and accessible for all residents.

Leading with Green



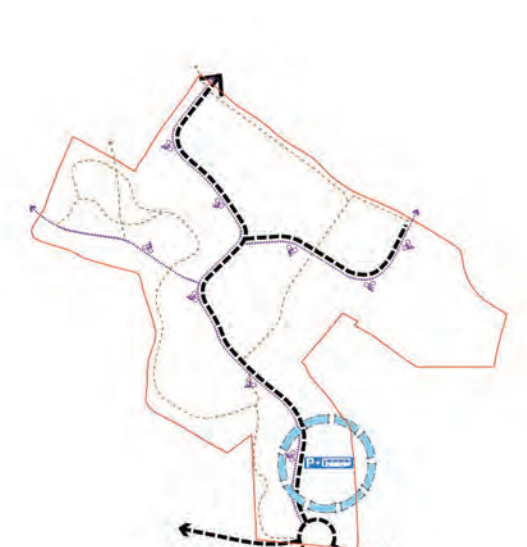
A Place for People



Thinking about the Future



Creating a Connected Place



Leading With Green

At Axehayes, our commitment to environmental stewardship is central to our development approach. By prioritising sustainability and ecological health, we aim to create a community that not only meets current needs but also ensures long-term environmental resilience.



Biodiverse - We will integrate a range of strategies to protect and enhance local biodiversity. This includes creating diverse habitats, planting native species, and incorporating wildlife-friendly features such as bird boxes and insect hotels. Our goal is to support a thriving ecosystem that benefits both flora and fauna.

High-Quality Open Space for all - Designing and maintaining well-planned open spaces will be a cornerstone of our development. These areas will provide residents with beautiful, functional spaces for recreation, relaxation, and social interaction. Our open spaces will be thoughtfully landscaped, incorporating features such as parks, gardens, and natural water bodies to enhance the community's quality of life.

SANGs - To mitigate the impact on nearby protected natural areas, we will create SANGs that offer alternative recreational spaces for residents. These SANGs will be designed to provide a range of amenities and activities, encouraging local residents to enjoy green spaces within the development rather than venturing into sensitive natural habitats.

Green Infrastructure - Integrating green infrastructure such as green roofs, living walls, and urban forests will enhance the ecological value of the development and provide additional benefits like improved air quality and urban cooling.

Educational Initiatives

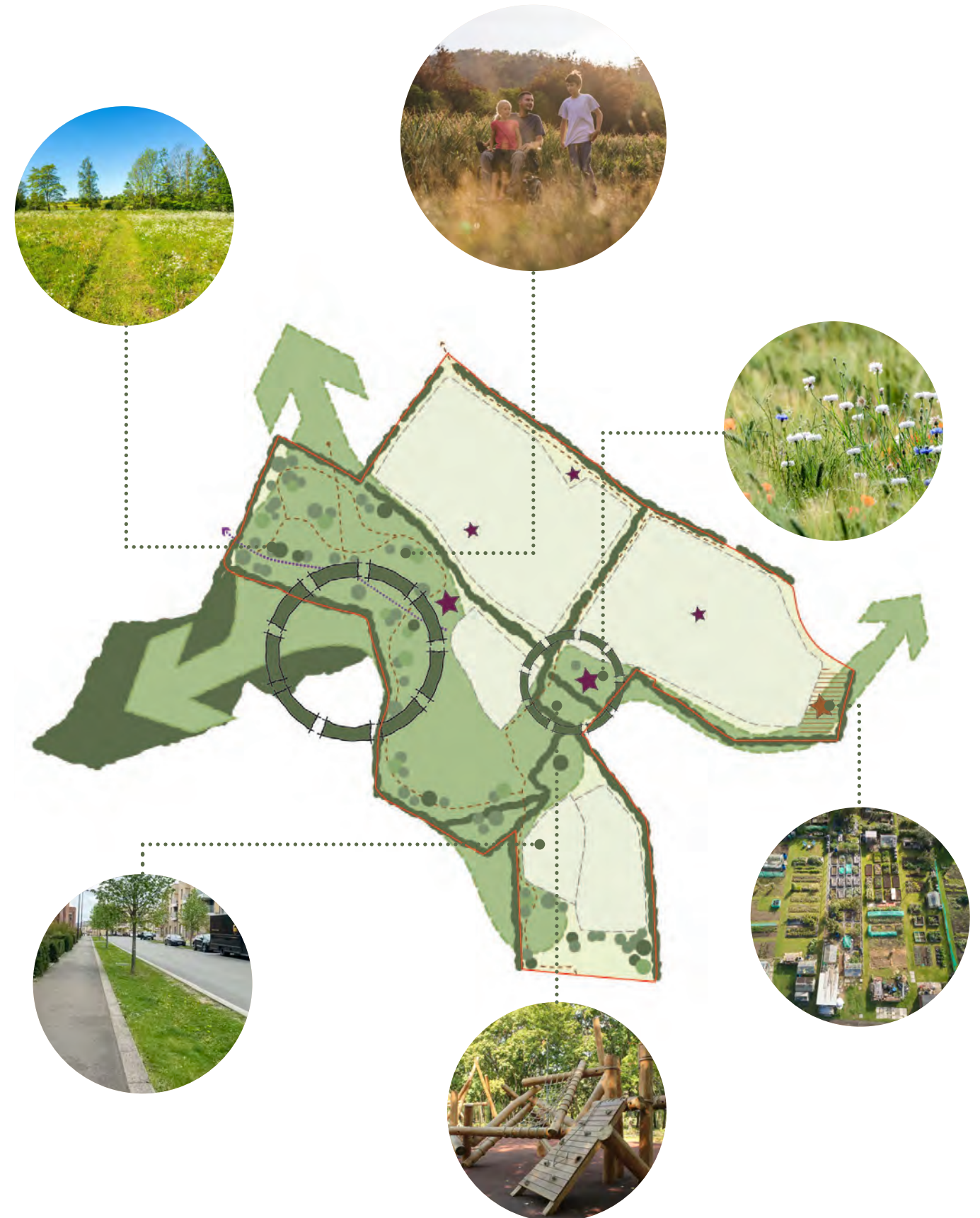
Providing educational resources and activities related to sustainability and environmental stewardship will engage and inspire residents to participate in and support green practices.

Community Engagement

Actively involving the community in environmental initiatives, such as planting events and conservation projects, will foster a shared commitment to sustainability and environmental care.



Biodiversity
Green & Blue Networks



A Place For People

We will focus on a thoughtful approach to placemaking that prioritises both functionality and aesthetics. We aim to create a well-designed, beautiful, and enduring community that reflects the highest standards of quality and design, based on the following ten characteristics from the National Design Guide:



1. Context: The development will respond to and enhance the unique characteristics of the local area, integrating seamlessly with its surroundings.

2. Identity: Creating a distinctive and memorable sense of place, Axehayes will feature architectural and landscape design that reflects local heritage and character while providing a fresh, modern environment.

3. Built Form: High-quality, well-designed buildings will be complemented by thoughtfully planned public and private spaces to foster a sense of community and belonging.

4. Movement: Prioritising green and sustainable transport options, such as pedestrian and cycle routes, will ensure easy connectivity to local destinations and encourage healthier lifestyles.

5. Nature: Incorporating green spaces and biodiversity into the design will create pleasant and inviting environments, enhancing the quality of life and supporting local wildlife.

6. Public Realm: The development will offer well-designed, high-quality open spaces that are accessible and inviting, promoting community interaction and recreation.

7. Uses: A mixed-use approach as part of the wider vision, will integrate residential, small-scale commercial, and community facilities, ensuring that residents have easy access to essential services and amenities.

8. Homes and Buildings: Providing a range of well-designed, affordable, and custom-built homes will meet the diverse needs of local families and individuals, contributing to a balanced and inclusive community.

9. Resources: Embracing sustainability through energy-efficient buildings and resource-conscious design will reduce environmental impact and support long-term resilience.

10. Health and Wellbeing: Designing with health and wellbeing in mind, Axehayes will feature spaces and facilities that promote physical and mental health, fostering a vibrant and supportive community.



Placemaking
Community



- ✓ Placemaking
- ✓ High-Quality
- ✓ Inclusive Design

Thinking About the Future

The future is centred on creating a sustainable, healthy, and resilient community. Our focus on net zero carbon, energy efficiency, and effective resource management will ensure that the development not only meets today's standards but is also prepared for tomorrow's challenges.

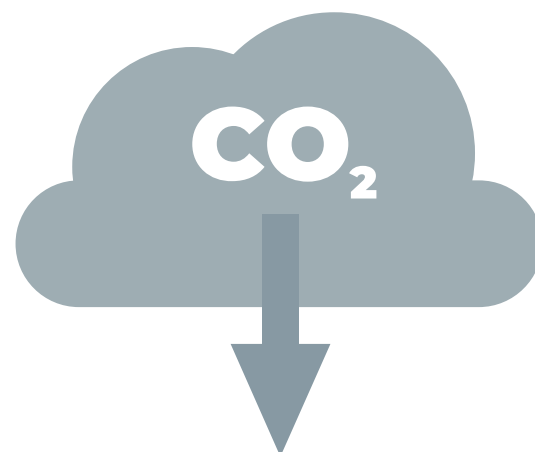


Net Zero Carbon Ready - Our commitment to achieving a carbon ready scheme will guide every aspect of the development. This involves reducing carbon emissions through energy-efficient building practices, integrating renewable energy sources, and implementing carbon offset measures where necessary. We will strive to ensure that all new homes and community buildings meet the highest standards of carbon efficiency.

The development will look at energy-efficient design by considering:

- **Renewable Energy Sources:** Incorporating solar panels, and other renewable energy systems to improve on site energy security.
- **High-Performance Insulation:** Using advanced insulation materials to improve fabric efficiency and reduce heating and cooling demands.
- **Energy-Saving Fixtures:** Installing LED lighting, low-flow water fixtures, and smart home technologies to further decrease energy consumption.
- **Rain Gardens:** Implementing rain gardens to capture and filter runoff, enhancing groundwater recharge and reducing pollution.
- **Permeable Surfaces:** Using permeable materials for pavements and driveways to allow water to infiltrate into the ground, reducing surface runoff.
- **Sustainable Drainage Systems:** Installing sustainable drainage systems (SuDS) to manage water flow, prevent flooding, and maintain water quality across the development.
- **Overheating Mitigation:** Developing a strategy that considers current and future climates to provide climate resilience, by following the cooling hierarchy to utilise passive measures (e.g. openable windows) in the first instance, followed by mechanical ventilation with heat recovery to reduce energy demand, and finally cooling.

Our approach will ensure that the community thrives in an environment that supports long-term health, efficiency, and resilience, preparing it for the challenges and opportunities of the future.



- ✓ Sustainability
- ✓ Energy Efficiency
- ✓ Carbon Ready



Sustainability
Energy Efficiency



Creating a Connected Place

Our commitment to creating a sustainable and accessible community at Axehayes involves a strategic focus on reducing reliance on cars by prioritising and encouraging alternative modes of transport.

- **Enhanced Walking and Cycling Infrastructure:** Designing well-connected, safe, and attractive pedestrian and cycling routes will encourage residents to choose walking and biking over driving. These routes will be integrated into the fabric of the community, linking homes with local amenities and green spaces.

- **Accessible Public Transport:** Improving access to public transport options, such as buses and trains, will be a key priority. We will ensure that public transport facilities are conveniently located and well-integrated into the community, making it easier for residents to travel without a car.

- **Inclusive Design for All:** Our transport infrastructure will be designed with inclusivity in mind, ensuring that all residents, including those with mobility challenges, can navigate the community easily. This includes designing accessible transport hubs, ramps, and safe crossing points.

- **Traffic Management:** Implementing traffic management strategies will help reduce congestion and promote more sustainable transport choices. Measures may include traffic calming, reduced speed limits, and car-free zones in key areas.

- **More than Park & Ride:** The proposed Park & Ride provides an opportunity to create a community place, forming a hub for activity which could include EV charging, micro-mobility, parcel collection point, a shop or cafe and co-working space.



- **Green Travel Incentives:** Encouraging the use of eco-friendly transport options through incentives, such as bike-sharing schemes, electric vehicle charging points, and subsidies for public transport passes, will support sustainable travel choices.

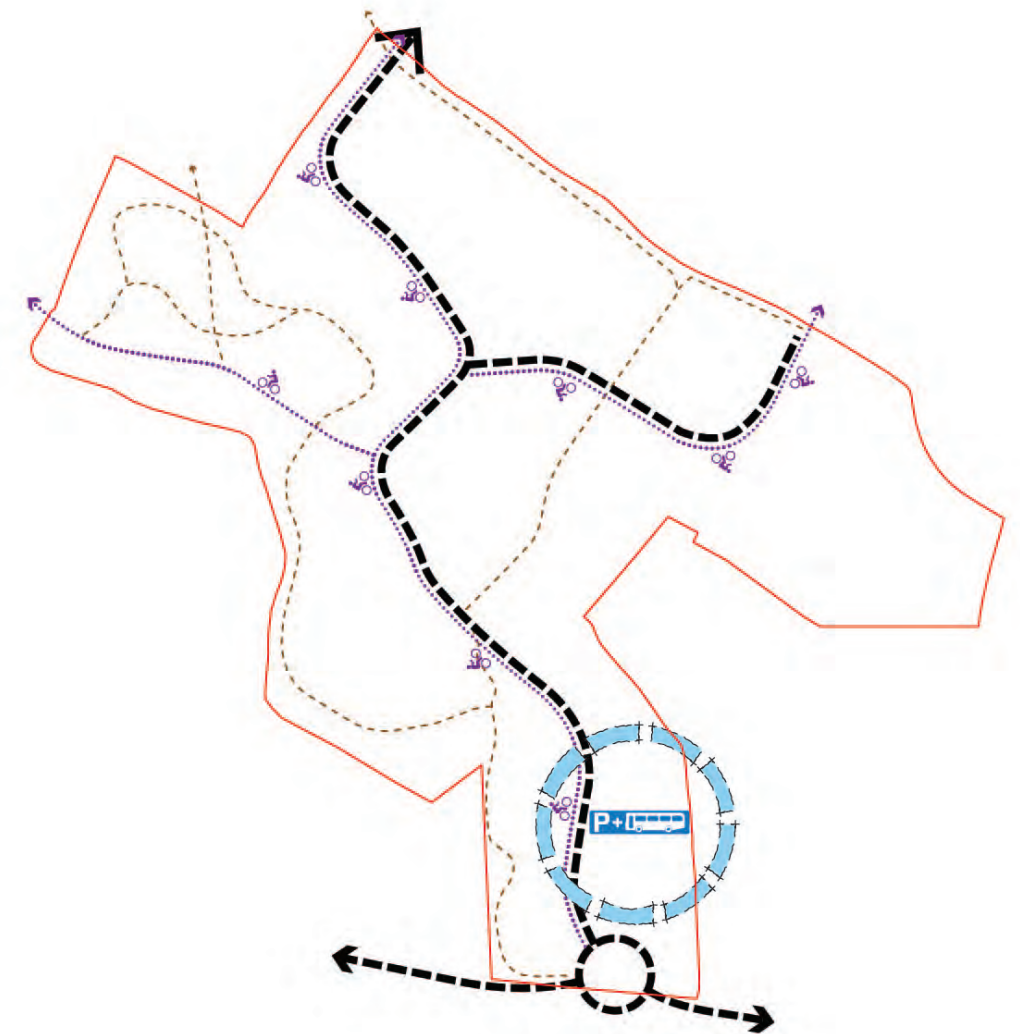
- **Education and Awareness:** Promoting the benefits of walking, cycling, and using public transport through community campaigns and educational programs will help shift travel behaviour and support a culture of sustainable mobility.

- **Integrated Transport Planning:** Coordinating transport planning with broader community design will ensure that transport options are well-integrated with residential, commercial, and recreational areas, providing a seamless travel experience for all.

- **Future-Proofing:** Designing flexible and adaptable transport infrastructure will accommodate future advancements in transportation technology and changes in travel patterns, ensuring long-term sustainability.



Creating a
Connected Place



Our Design Concept

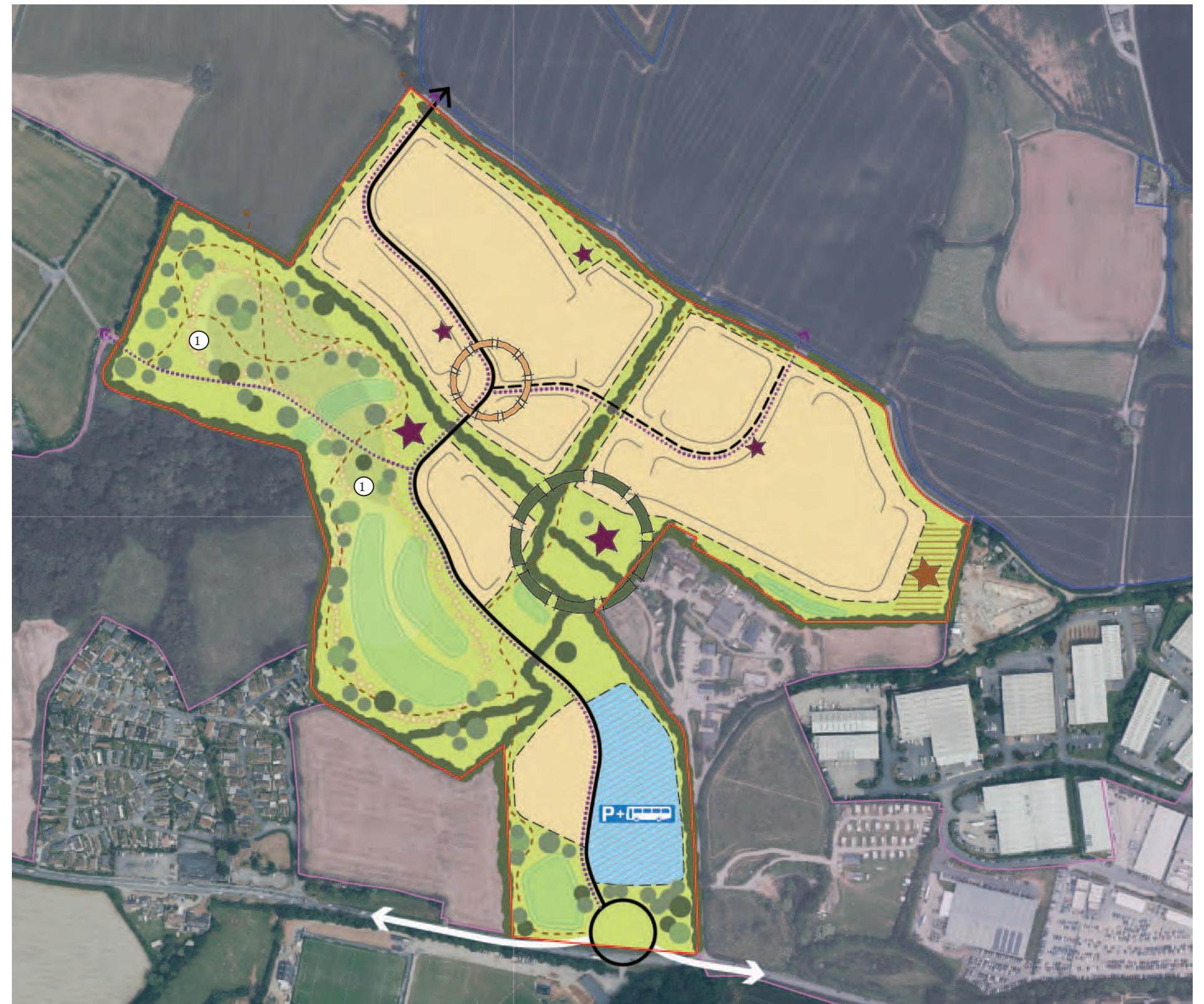
Our concept for Axehayes builds upon our design principles and vision, to create a green, healthy, vibrant, sustainable and connected community.

Green infrastructure is woven through the proposals, with SANGS providing recreational green spaces, new planting providing habitats and promoting biodiversity, green roofs, urban forests and new allotments. These features help to promote healthy and active lifestyles, foster community connection and provide benefits including improved air quality and urban cooling, for a resilient and future proofed development.

The proposals will provide 'walkable' neighbourhoods, where walking and cycling are the preferred mode of transport for local journeys, whilst a park and ride with the potential for micro mobility will help to provide 'first and last mile solutions', promoting sustainable and active travel as an easy and convenient choice.

The approach to placemaking includes the creation of a contextually responsive, distinctive and memorable place. Active frontages, new focal spaces, a mix of uses and high quality public realm are proposed to deliver an attractive, vibrant and liveable place.

-  Primary route with active travel links
-  Play area
-  Allotments
-  Park & Ride + Mobility Hub
-  Pedestrian & cycle route
-  Indicative SuDS
-  New & enhanced tree planting
-  SANG
-  Focal space



Our Design & Strategies

Landscape-Led Development

The design is centred on a landscape-led approach, meaning that the natural landscape will guide the layout and structure of the built environment. This approach includes the retention and enhancement of existing landscape features such as hedgerows, trees, and green corridors. These elements will shape the development and provide multifunctional green infrastructure that benefits both the environment and the community.

Mixed-Use

The proposal includes a mixed-use development that combines residential, commercial, and community spaces. The site is planned to accommodate high-quality housing, small-scale commercial spaces, and essential community facilities, all integrated within the landscape. This integration aims to create a vibrant, self-sustaining community with easy access to amenities and employment opportunities.

Green Infrastructure Network

A comprehensive green infrastructure network is proposed, which will be interconnected and multifunctional. This network will include public open spaces, wetland habitats, and areas for recreation. The green infrastructure is designed to support biodiversity, manage water sustainably, and offer recreational opportunities for residents.

Sustainable Transport and Connectivity

The development includes plans for new pedestrian and cycle routes that will connect with existing networks and the proposed Clyst Valley Regional Park. There is also potential for a new link road between the A3052 and A30, which would enhance connectivity and reduce pressure on local roads, including the M5. Sustainable transport options will be prioritised to encourage walking, cycling, and public transport use.

High-Quality Housing

The site will deliver a variety of housing types, including affordable homes, designed to meet the needs of different demographic groups. The housing will be built to high standards of energy and resource efficiency, aligning with Future Homes Standards. This will ensure that the homes are sustainable and contribute to the reduction of carbon emissions.

Community Hub and Local Centre

While a community hub is not currently illustrated within the concept plan, there is scope for such a facility to be accommodated as the masterplan evolves. A future hub could act as a focal point for the development, potentially including a local centre with shops, community space, and recreational facilities. This type of provision is being actively considered as part of the wider planning strategy to support social cohesion, ensure access to local services, and enhance quality of life for future residents.



Framework Masterplan

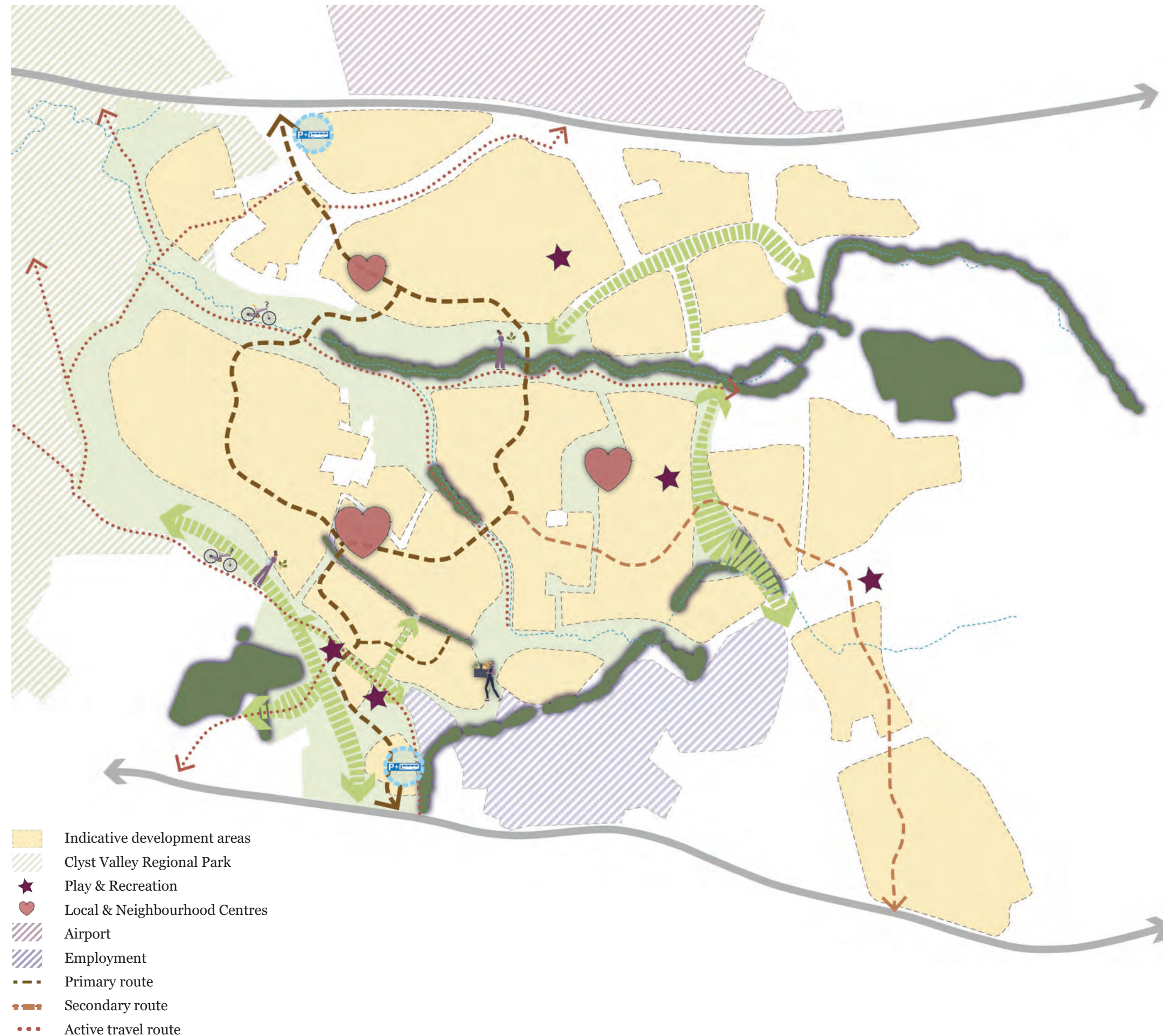
The proposals for Axehayes sit within the wider vision for a new community in East Devon, with multiple landowners working to deliver the vision in line with East Devon District Council's overarching strategy.

The Site provides connectivity with the Clyst Valley Regional Park, which stretches from Ashclyst Forest in the north to Topsham on the Exe Estuary in the south, and provides extensive green and open space for the growing community of Exeter and East Devon. The SANGs within the Site link to the park, providing connections onward to the wider green and blue network, helping to promote health and well-being, connecting the community with nature and providing new traffic-free trails.

The integration of the Site within the wider proposals for East Devon ensures that the development benefits from the close proximity of a range of facilities and services. This includes a new town centre and two new neighbourhood centres, new offices and opportunities for employment, formal and informal play opportunities, and a new school, helping to reduce travel demand with local facilities. New active travel routes, including proposed and upgraded pedestrian and cycle routes, provide sustainable connections internally to access these facilities, helping to create a sustainable and self-sustaining development.

New bus routes and two new park and ride locations with the potential to incorporate mobility hubs provide sustainable travel options both internally and when travelling outside of the Site.

The scale of the wider proposals also ensures that it is able to deliver the required supporting infrastructure, including energy infrastructure, materials recycling facilities and water treatment works, helping to deliver a sustainable new settlement. The overall vision for the new settlement is targeting net zero energy balance, in line with the Council's aspirations.



Summary ●

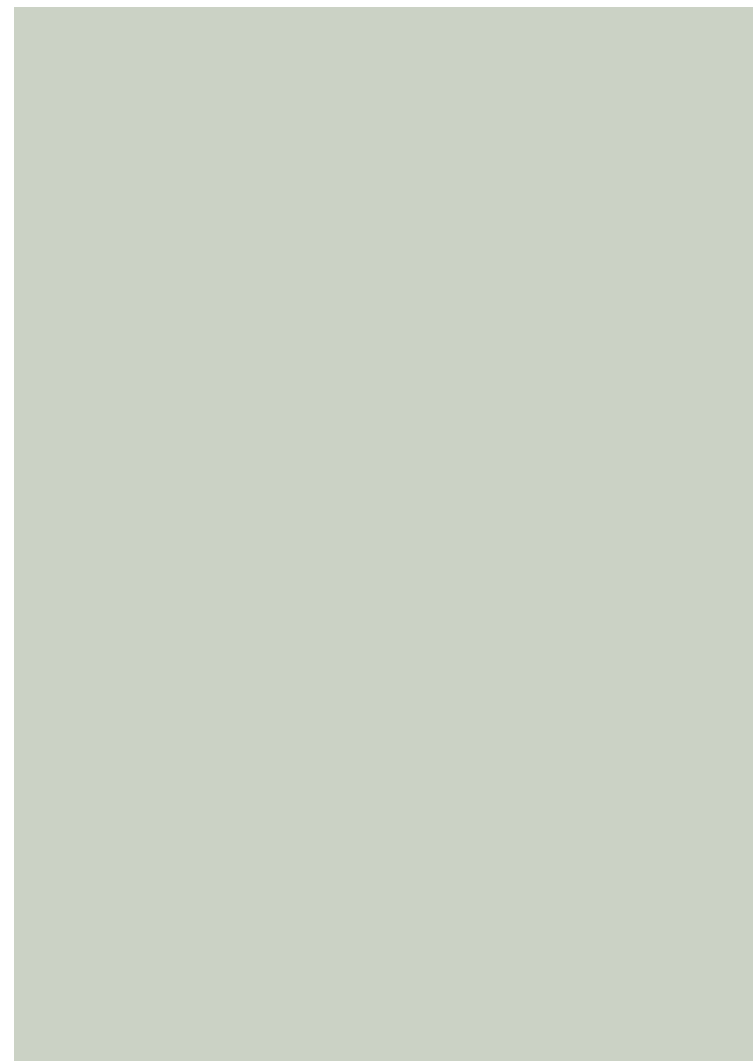
The vision for Axehayes has been shaped through collaborative input from the wider stakeholders and technical disciplines, ensuring that the site not only delivers its own objectives but also contributes meaningfully to the broader aims of the Second New Community in East Devon.

Our approach aligns with the council's ambition to create a well-connected, sustainable, and inclusive new settlement, with Axehayes playing a vital role in housing delivery, green infrastructure provision, and strategic transport enhancements, including the potential for a Park & Ride facility.

How Our Site & Vision Delivers the Wider Objectives

Axehayes contributes to East Devon's wider growth strategy by:

- Delivering much-needed housing as part of the 10,000-home allocation.
- Integrating a significant proportion of Natural Greenspace to support biodiversity and public access.
- Enabling strategic infrastructure, including sustainable travel opportunities.
- Providing a policy-compliant framework that supports delivery across the wider landholding.





Appendix 3. Initial comments on viability

VIABILITY REPRESENTATIONS
EAST DEVON LOCAL PLAN
REGULATION 19 ASSESSMENT

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



27th March 2025

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3.0	LOCAL PLAN POLICY IMPACTS ON VIABILITY 6
4.0	NATIONAL POLICY IMPACTS ON VIABILITY.....13
5.0	SUMMARY AND CONCLUSIONS.....14
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1.0 INTRODUCTION

- 1.1 In accordance with instructions from the Cherwell Group ("**Cherwell**"), the freehold owners of Axehayes Farm, Clyst St Mary, Devon, EX5 1DP, I set out below representations to East Devon District Council ("**EDDC**") on viability issues to the Regulation 19 consultation of the East Devon Local Plan.
- 1.2 Cherwell own a part of the proposed second new community (the "**New Community**") which is coming forward in the emerging East Devon Local Plan 2020 – 2042 (the "**Emerging Local Plan**").
- 1.3 I am instructed to consider the Local Plan Viability Assessment prepared by Three Dragons dated January 2025 (the "**Three Dragons Report**"). I note however that the Three Dragons Report considers viability across the Local Plan area but excludes the New Community which it states will be considered separately. It is however assumed that EDDC's advisors may adopt similar assumptions for any subsequent assessment.
- 1.3 It is also noted that, to date the Infrastructure Delivery Plan ("**IDP**") requirements for the New Community have not been developed and consequently these representations constitute interim comments pending the Councils further consideration of this issue.
- 1.4 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 the New Community. Clearly, the CIL rate to be applied to the New Community will have a considerable impact both in terms of any rate which may be set and in cashflow and finance cost terms on account of the timing of payments coupled with the delivery of any infrastructure the levy is due to provide. It is noted that the Cranbrook CIL rate is £0 psm as supported by the CIL Review and Cranbrook Plan DPD Viability Study dated January 2019.
- 1.5 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 £0 psm and this should be confirmed as part of any subsequent viability review and associated IDP.

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 IMPACTS ON VIABILITY

3.1 The Three Dragons Report includes a table summarising the draft policies (as of December 2024) which they consider to have viability implications. This table is replicated below with my own comments as to how those policies impact on viability.

Policy	Three Dragons Response	Chesters Harcourt comment
Policy CC02: Net-Zero Carbon Development	Residential testing includes costs allowances for Future Homes. The cost of BREEAM Excellent is considered for non-residential development.	Future Homes standards as incorporated into the Building Regulations will over time be reflected in BCIS Average Prices. At present these allowances are not fully factored in and consequently we support the inclusion of appropriate allowances in the viability assessment. Where policies go beyond National Standards or requirements in time or specification there are additional cost implications.
Policy CC05: Heat Networks	The typologies used in this study are below the threshold for connections to district heat networks.	This Policy will require the delivery of Heat Network infrastructure for the New Community. It is an inflexible policy and EDDC will have to reflect on policy priorities. The cost associated with this policy is not reflected in the Three Dragons Report.
Policy AR 01: Flooding	SuDS is a standard development cost and covered through plot and site infrastructure allowances.	Whilst I agree that SuDS is a standard development item, it can vary considerably between sites and consequently generic “rule of thumb” allowances will not provide a true reflection of viability. Suitable allowances need to be made for all infrastructure requirements as part of

		any viability assessment for the New Community.
Policy AR02: Water Efficiency	The cost of meeting the 110 litres per person per day technical standard is de minimis.	Whilst in isolation the difference between the current Building Regulation standard and the optional standard may not be significant it does carry a cost which together with other policy requirements can lift the overall cost of construction. This is a result of alternative fittings being required.
Policy HN02: Affordable Housing	The viability testing includes the appropriate proportion and tenure splits (35%, 30% and 25% affordable housing; with 65% social rent and 35% intermediate). The policy recognises that a different tenure mix may be used to address viability issues where these arise. The policy also includes the standard requirement for Build to Rent (BtR) to provide 20% DMR @ 20% discount. The testing does not include BtR as it is not expected that this form of development is likely to come forward in East Devon during the plan period.	At this stage the provision of affordable housing within the New Community has not been fixed and is to be defined through further consultation so no further comment on the percentage or tenure split is necessary at this stage. The Policy does indicate that affordable housing secured through policy must remain affordable in perpetuity with provision for clawback. This provision will reduce bids from Registered Providers and consequently any viability assessment should reflect this provision.
Policy HN03: Housing to meet the needs of older people	Typologies of 50+ dwellings include 10% bungalows.	The provision of older person dwellings within the New Community will need to be addressed as part of the viability assessment, as identified for the Cranbrook Plan area.
Policy HN04: Accessible and Adaptable Housing	5% of affordable housing M4(3)a, rest of market and affordable housing to M4(2). OPH assumed to meet M4(3) as standard	There is a direct cost to this policy requirement both in terms of the number of dwellings which may be delivered within any given area of land

		and in terms of the cost of development. These factors will need to be considered as part of any viability assessment.
Policy HN05: Self-Build and Custom Build Housing	Typologies of 20+ dwellings include 5% CSB.	The Three Dragons report correctly identify that the cost of constructing self build and custom housing is greater than standard housing albeit it is my opinion that the actual rate applied is too low. The inclusion of a proportion of self-build/custom build is not an issue in principle but the effect on viability and deliverability will have to be carefully considered.
Policy HN10: Rural Exception Sites and First Homes Exception Sites	Testing includes a RES typology with 66% affordable housing	Not applicable to the New Community. No further comment.
Policy DS01: Design and Local Distinctiveness	Testing dwelling sizes meet/exceed NDSS standards.	This policy goes significantly beyond meeting NDSS standards for housing and high design standards add to cost without generating proportionately improved sale prices. The Three Dragons Report assumes that construction can be undertaken at BCIS lower quartile housing rates and this is a fair assumption provided that standard housebuilder product and layouts can be constructed. Further detail on design requirements will need to be factored into the New Community Viability assessment. Where design requirements seek dwelling uplifts the

		associated cost increase will need to be taken into account.
Policy DS02: Housing Density and Efficient Use of Land	Testing includes typologies of different densities.	This Policy does not apply in the Cranbrook area, presumably on account of allocation specific policies and it is appropriate for the same to apply to the New Community.
Policy DS04: Green & Blue Infrastructure	Testing assumes green space will be the responsibility of a management company.	The overall provision and specification of blue and green infrastructure will impact on viability and this has to be taken into account in any viability assessment.
Policy TR01: Prioritising walking, wheeling, cycling, and public transport	Testing includes s106 allowances.	As above, the overall provision and specification of site infrastructure will impact on viability. There is some suggestion from Three Dragons that land values should flex to take account of such requirements but I disagree. Any policy constraint should be taken into account in the viability assessment for the New Community.
Policy TR04: Parking standards	Required parking standards are within normal range of provision. EV charger allowances included in testing.	Although Three Dragons indicate that an allowance has been made for EV chargers, I cannot identify this in their report. The Policy indicates that all new parking provision must provide for charging points to charge electric vehicles and bikes but it is not clear whether that is on a 1 to 1 basis or whether a more proportionate provision will apply, this should be clarified.
Policy PB02:	It is assumed that in the specific circumstances where a scheme affects	As it affects BLVs, I do not agree with Three Dragons on this point. Any policy

Protection of Regionally and Locally important wildlife sites	wildlife sites, land values will adjust to meet the cost of mitigation.	constraint should be taken into account in the viability assessment for the New Community.
Policy PB03: Protection of irreplaceable habitats and important features	It is assumed that in the specific circumstances where a scheme affects habitats and features, land values will adjust to meet the cost of mitigation.	As it affects BLVs I do not agree with Three Dragons on this point. Any policy constraint should be taken into account in the viability assessment for the New Community.
Policy PB04: Habitats Regulations Assessment	In East Devon, Habitat Regulation costs are primarily dealt with through CIL, with s106 included for Exe Estuary SPA and the East Devon Pebblebed Heaths SPA/SAC. River Axe SAC nutrient mitigation sensitivity in VA5.	Any costs associated with HRA's will need to be factored into the New Community Viability assessment.
Policy PB05: Biodiversity Net Gain	Inclusion of costs for higher BNG in the testing.	The provision of higher levels of BNG as part of the New Community will have to be taken into account in the New Community Viability assessment. I anticipate that this will reduce the overall number of dwellings which may be delivered and consequently the viability. EDDC should carefully consider whether it wishes to apply this policy to the New Community as it does not apply in the Cranbrook Plan area.

3.2 In addition I make the following policy comments:

Policy	Chesters Harcourt Comment
Policy WS01: Development of a second new community east of Exeter	This policy is supported in principle but it has considerable implications for viability. It refers to “ <i>distinctive high quality design standards with an explicit focus on sustainable construction and building operation and renewable energy production and use</i> ”, which will need to be reflected in the viability and balanced against other policy objectives. Similarly aspirations for open space and public transport services will need to be reflected in infrastructure delivery costs. The Policy refers to a “ <i>site wide average density of at least 45 dwellings per hectare</i> ” which may be achievable on a net developable area basis (albeit likely aspirational) but certainly not on a gross area basis given other policy aspirations around green/blue infrastructure and BNG. I have referred separately to gypsy and traveller provision and the potential impact on the delivery of the allocation, this may warrant further consideration as to how it may be accommodated to avoid negative impacts on delivery of housing. The provision of social, community, education and green/blue infrastructure will impact on viability particularly as regards timing of delivery and effect on finance costs. Developers. Promoters and land owners will need a degree of certainty to bring land forward for development, retrospective contributions towards infrastructure will not offer that certainty and could impact on delivery. Appropriate assessment of infrastructure requirements up front will be required and factored into the viability assessment for the New Community.
Policy CC01: Climate emergency	It is assumed that National Policy will address how the construction industry may address the climate emergency. Any replication of National Policy is simply duplication with an associated cost whilst anything which goes beyond national policy has an additional cost which should be reflected in viability assessment inputs.
Policy HN09: Gypsy and traveller sites	Within Policy WS01 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 potential effect on viability cannot be ignored.

Policy SE05: Employment and skills statements	Whilst the cost of this would appear to be minimal it has to be factored into the overall consideration and employment restrictions will impact on the basic construction costs for dwellings.
Policy TR02: Protecting transport sites and routes	Site specific infrastructure requirements will need to be assessed and reflected in any New Community viability assessment. As these are currently unknown I cannot comment further.
Policy TR03: Travel plans, transport statements and transport assessments	The requirement for appropriate travel plans is not disputed but site specific infrastructure requirements will need to be assessed and reflected in any New Community viability assessment. As these are currently unknown I cannot comment further.
Policy TR06: Digital connectivity	Whilst the principle of this is not disputed, site specific infrastructure requirements will need to be assessed and reflected in any New Community viability assessment. As these are currently unknown I cannot comment further.
Policy PB07: Ecological enhancement and biodiversity in the built environment	There is a direct cost to this policy which will need to be assessed and reflected in any New Community viability assessment. The Three Dragons Report indicates that provision of ecological enhancement may be delivered as part of BNG requirements however this policy is worded to indicate that this should “ <i>be in addition</i> ”. In light of the suggested 20% BNG requirement this could significantly impact on viability.

4.0 NATIONAL POLICY IMPACTS ON VIABILITY

- 4.1 The Building Safety Act 2022 introduced Government powers to impose a levy on new residential buildings requiring certain building control approvals in England, to raise revenue to be spent on building safety. As part of the Remediation Acceleration Plan published in December 2024, the Government announced its intention to launch the levy in Autumn 2025 however a recent announcement has confirmed the levy will come into effect in Autumn 2026, with the levy regulations to be laid in Parliament later this year.
- 4.2 The levy charge will be calculated based on a rates per square metre which is set for the local authority at national level to capture the geographical variation in house prices. The proposed levy rate for East Devon District Council is £34.06 per sq m to be applied to market housing floor area.

5.0 SUMMARY AND CONCLUSIONS

- 5.1 I have provided commentary on the individual Policies where they impact on viability issues, however as referred to within the Introduction, at this stage there is no detailed IDP or associated viability assessment and consequently these comments are made on an interim basis pending further information becoming available.
- 5.2 Whilst CIL is for later review, any levy will have a direct financial implication both in terms of direct cost but also in terms of cashflow and finance implication. These implications need to be carefully considered and factored into any viability assessment. It is my opinion that a large development such as that proposed for the New Community is better served through Section 106 as a result of the improved flexibility which allows a higher level of infrastructure to be delivered within the scheme.
- 5.3 It must be recognised that whilst some of the Emerging Local Plan Policies may have negligible impact on the viability of the New Community in isolation, the effect of those policies must be considered as a whole, particularly in relation to how they impact on the flexibility of development. The overall effect of a number of policies in combination may mean that there are limited ways in which a scheme may be developed which could negatively impact on the scheme viability.
- 5.4 This is a development proposal which will be delivered over a long time period and consequently which should not be restricted by policies which may become less relevant over time but remain a burden on the scheme. The Council should therefore carefully consider how they may prioritise and weigh up policies to avoid duplication with national policies, reduce the bureaucracy associated with those policies which are to be applied and avoid policies which generate cost or reduce development density with negligible benefit. It is therefore appropriate to identify those policies, as has occurred for Cranbrook, which will not apply to the New Community and for this to be factored into the Local Plan.

6.0 DECLARATION

6.1 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.

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



Signed.....

John Read MSc MRICS

Date 27th March 2025

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RTPI

Chartered Town Planner