

From: Hannah Elcocks <Hannah.Elcocks@devon.gov.uk>
Sent: 17 October 2022 16:55
To: Matthew Diamond <Matthew.Diamond@exeter.gov.uk>
Cc: Mark Andrews <Mark.Andrews@devon.gov.uk>; Simon Curran <Simon.Curran@exeter.gov.uk>
Subject: RE: Home Farm 21/0223?OUT - Forthcoming Hearing

Hi Matt,
Agree, we will therefore step-down on the secondary contributions for this site.
I trust this assists.

Regards Hannah

From: Matthew Diamond <Matthew.Diamond@exeter.gov.uk>
Sent: 17 October 2022 15:50
To: Hannah Elcocks <Hannah.Elcocks@devon.gov.uk>
Cc: Mark Andrews <Mark.Andrews@devon.gov.uk>; Simon Curran <Simon.Curran@exeter.gov.uk>
Subject: RE: Home Farm 21/0223?OUT - Forthcoming Hearing

Hi Hannah

There's no viability issue re affordable housing on this one, so purely down to you – we've supported these requests when made, but given your comments below don't think it would be tenable to do so now.

Regards

Matt

Matthew Diamond

Assistant Service Lead – Development Management (Major Projects)
City Development
Exeter City Council

01392 265214



<https://exeterplan.commonplace.is/>

From: Hannah Elcocks <Hannah.Elcocks@devon.gov.uk>
Sent: 17 October 2022 15:37
To: Matthew Diamond <Matthew.Diamond@exeter.gov.uk>
Cc: Mark Andrews <Mark.Andrews@devon.gov.uk>
Subject: RE: Home Farm 21/0223?OUT - Forthcoming Hearing

Hi Matt

When the application for Home Farm came forward in May 2021 it was forecast that local secondary schools could not support the expected pupils generated from the development and therefore a contribution towards secondary education was sought. Despite the arguments presented below, when factoring in the approved development in Exeter as well as the expected pupils coming forward from development in the local plan the secondary schools in Exeter were over capacity and therefore a request was justified.

In May 2022, we emailed Exeter City Council to advise that as the new secondary school in Exeter, Matford Brook Academy is well under construction and due to open in September 2023, requests towards secondary education could no longer be justified when forecasting the additional capacity the new school will provide.

The DfE are expecting reimbursement from Section 106 contributions to support Matford Brook Academy, and we have previously advised that any approved development with a signed legal agreement in place for secondary education will support these contributions.

For those applications, including Home Farm, whereby we have sought contributions but are still pending determination, we are happy to consider stepping down from the secondary request if it will support viability issues and the LPA's position.

With this in mind, please do let me know how you wish to proceed with this one?

Regards Hannah

From: David Seaton <d.seaton@pclplanning.co.uk>

Sent: 13 October 2022 11:02

To: Mark Andrews <Mark.Andrews@devon.gov.uk>; Matthew Diamond <Matthew.Diamond@exeter.gov.uk>

Cc: Charles Banner QC <cbanner@keatingchambers.com>; Simon Curran <Simon.Curran@exeter.gov.uk>; Roger Clotworthy <roger.clotworthy@exeter.gov.uk>

Subject: Home Farm 21/0223?OUT - Forthcoming Hearing

Mark/Matt,

Education Contribution Sought

At the recent Clyst Road inquiry DCC (Education) withdrew their request for funding. I was wondering whether, at this forthcoming hearing (on 25/10/2022), this request will be withdrawn or not?

I raise the point because the request is the same (i.e. for funding secondary education) and, despite the lack of evidence to substantiate the request being raised in the executed SoCG for the above hearing (at paragraph 7.17), no further evidential justification has been received.

You are presumably aware that the relevant Government policy on such matters is that:

“What type of behaviour may give rise to a substantive award against a local planning authority?”

Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example,by unreasonably defending appeals. Examples of this include:

- *failure to produce evidence to substantiate each reason for refusal on appeal*

(This list is not exhaustive.)

Paragraph: 049 Reference ID: 16-049-20140306”

ECC’s position in this appeal is that:

“The position of the Council regards the above listed contributions remains as set out in the Officers Report and such contributions are considered to meet the tests set by Regulation 122.....” (Council’s SoC, paragraph 18)

Thus, absent of any evidence to justify the contribution (which the appellant considers has not been provided/is not available), the appellant needs to consider how much time at the hearing is likely to be taken up dealing with this matter and/or whether to bring a cost claim against ECC (in the event that there is no evidence to support the assertions that a contribution is justified that have been advanced by DCC and endorsed by ECC.

Following receipt of the Clyst Road decision I’m currently drafting and additions SoCG which, it strikes me, could deal with this matter and assist the running of the hearing. I’d be grateful if both ECC and DCC could clarify their positions on this matter please.

Healthcare Contribution Sought

The second matter is the Healthcare contribution (which is a point for ECC alone). The contribution sought by the CCG is based on population increase, a point considered by the Clyst Road Inspector. The appellant’s position remains the same as put to the Clyst Road inquiry – that, in short, the CCG has already been funded for the expected pressures created by population increase in the City (via their standard funding formula with population ‘growthed’). Again, since this request has been ‘adopted’ by ECC the appellant needs to consider the same questions of, time on the day, and the evidential basis (or lack thereof) that underpins the request. Therefore, in order to assist the drafting of the ASoCG and the running of the hearing I’d be grateful for clarity of ECC’s position please.

Kind Regards,

***David Seaton BA (Hons) MRTPI
Managing Director***

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