

Summary of Planning Balance

LAND OFF SPRUCE CLOSE, EXETER

PINS ref. APP/Y1110/W/22/3292721

Exeter Greenspace Group (Rule 6 Party)

June 2022

1. Executive Summary

- 1.1. This document provides a summary of EGG's views on how much weight should be afforded to the various conflicts and benefits of the proposed scheme.
- 1.2. It should be read in conjunction with the following documents:
 - 1.2.1. EGG Statement of Case [CD-ID7]
 - 1.2.2. Statement of Common Ground between EGG and the Appellant (still currently in draft form) [CD-ID11]
 - 1.2.3. The Following Proofs of Evidence:
 - 1.2.3.1. On Public Open Space [CD-SH1]
 - 1.2.3.2. On appropriate location [CD-GB1]
 - 1.2.3.3. On landscape impact [CD-MB1]
- 1.3. The NPPF states that, where there are no relevant development plan policies, or the most important policies are out of date, permission should be granted unless adverse impacts "significantly and demonstrably" outweigh the benefits."¹
- 1.4. It is our case that the adverse impacts of this application are significant, and the benefits are minimal, with many simple mitigations to make this development acceptable on paper. It is therefore our view that the appeal should be dismissed.

2. Adverse impacts

2.1. Destruction of and insufficient compensation for public open space

- 2.1.1. It is our view that this development conflicts with ELPFR Policy 3 and NPPF 99 because the proposed compensatory open space is not at least equivalent in value to the green that would be lost at Juniper/Spruce Close.
- 2.1.2. The Spruce/Juniper Close POS meets the definition of a local green under NPPF 102-103. This means that green belt policies and problematic development should only be approved "in very special circumstances" (NPPF 147).
- 2.1.3. We believe these conflicts should be given significant weight in the overall planning balance.

2.2. Unsustainable development in an inappropriate location

- 2.2.1. It is our view that the proposed site is environmentally and socially unsustainable. It would not support a "walkable neighbourhood" and the hill-top location, scarcity of local amenities and a public transport system that is not fit for purpose will increase car use and dependency.

¹ NPPF 11 (b) ii (CD-NPP1)

- 2.2.2. The site also conflicts with the spatial strategy underpinning LPA's development plan policies which explicitly seek to steer development away from the northern hills and prioritise previously developed sites in sustainable locations (ELPFR H1)
- 2.2.3. The LPA has only a "moderate" housing land supply and scored 155% on the 2021 Housing Delivery Test, meaning no remedial action is required. It also has a pipeline of brownfield sites, including some under active consideration.²
- 2.2.4. In this context the conflict with H1 is unacceptable, as is granting planning permission to a development that would clearly undermine the NPPF's sustainability objectives. It is our view that these conflicts should be given substantial weight in the overall planning balance.

2.3. Harmful impact on the character of the landscape setting of Exeter

- 2.3.1. It is our view that the proposed development would cause substantial adverse impacts to the character of the site when seen both from locally and afar. The site is designated landscape setting and therefore subject to ECS CP16 which seeks to protect the character and distinctiveness of such land. This scheme would not protect it but would cause fundamental change and harm.

- 2.3.2. As above, the LPA has only a modest housing shortfall and ambitious plans for delivering and sustaining its housing land supply through sustainable brownfield development. It is therefore unacceptable to grant permission to a development that conflicts with CP16. Previous appeal decisions delivered at a time of considerable housing shortfall are not relevant in this evolved context.

3. Claimed benefits

- 3.1. The appellant concludes that "the benefits of delivering additional housing... in a sustainable location...substantial green infrastructure, and betterment in terms of sustainable transport, biodiversity and surface water drainage, are considered to be overwhelming, and there are no disbenefits that indicate to the contrary."³ It is our view that many of the claimed benefits are simple mitigations and should be weighted accordingly.

3.2. Housing delivery

- 3.2.1. The appellant argues that "significant weight" should be given to appropriate opportunities to accommodate housing growth given spatial constraints in Exeter. In the context of a shortfall of only 213 homes and a strong track record of housing delivery in recent years, we believe that the provision of 93 homes in an inappropriate location should be given only minimal weight.⁴ We do accept that the provision of 32 affordable homes should be given significant weight, though we would also highlight that this still only a policy-complaint level of provision.

² 2021 Housing Delivery Test results (CD-SPD11)

³ Appellant Statement of Case, para 4.1 (CD-ID2)

⁴ ECC letter re 5 Year Housing Land Supply (CD-GB12)

3.3. Sustainable transport

3.3.1. We do not accept the appellant's claims that the scheme would contribute to the "betterment" of public transport. We have shown how the local bus system is not fit for purpose and that residents avoid using the bus because of it. Extending infrastructure to the development site will not address this, therefore there can be no claim to improving sustainable transport. It is our view that this element of the scheme should be afforded very little weight.

3.4. Biodiversity Net Gain

3.4.1. The appellant states that the claimed 10.42% biodiversity net gain adds weight to the benefits side of the scheme. However, the 2021 Environment Act stipulates a minimum of 10% net gain for all new developments, so this is a mitigation and not a benefit.

3.5. Flood risk mitigation

3.5.1. If the proposed drainage strategy can be demonstrated to address existing flooding problems, we would accept this as a benefit of the scheme. However, we note that detailed proposals would not be available until the design approval state. Unless there is further evidence of this, we refute the case that any betterment would be derived from managing and mitigating the impacts of the new development.

3.6. Green infrastructure

3.6.1. We do not agree with the appellant's view that the contribution of a new Valley Park would provide "substantial green infrastructure." We do acknowledge the benefit of securing that land for public use in perpetuity. However, we also consider that doing so might in fact be detrimental for existing green infrastructure. The development would also involve the destruction of a significant amount of green infrastructure (including the Local Green at Spruce/Juniper Close.) We do not believe that on balance that this provision should be afforded significant weight, especially when it is required for compliance with ELPFR Policy L3 (please see our PoE on Public Open Space for our arguments that even with this provision, the development conflicts with L3.)

4. Conclusion

4.1. It is our view as outlined in our Proofs of Evidence that the significant adverse impacts of the proposed development "significantly and demonstrably" outweigh the benefits of the scheme.

4.2. Therefore, in accordance with NPPF 11 (b) ii, the appeal should be dismissed.