

Exeter Greenspace Group (Rule 6 Party)
Closing Submission

Introduction

1. The appellant claims that the benefits of the appeal scheme are overwhelming and that there are no disbenefits to the contrary.
2. They claim that it will help solve Exeter's "urgent" housing supply shortfall – despite ECC's measured and reasonable evidence that this shortfall is only "modest", an assessment which was endorsed by the Inspector of the Pennsylvania Road appeal only in January. And, despite the fact that the LPA scored 155% in the 2021 Housing Delivery Test which indicates a strong record of successful delivery. There is no basis on which to conclude that this track record will not continue.
3. They claim that they are offering a significant community benefit by extending a bus route to the site despite the fact that, as we've heard from Mr Upton, doing so is a planning requirement. And, despite the fact that, as we've heard from Dr Baker, there is overwhelming evidence from current residents that they see it neither as a benefit nor as likely to make any tangible difference to the accessibility to an already limited bus service
4. They claim that the provision of a new valley park is a significant community benefit but overlook the fact that part of this site is already a designated valley park – albeit without public access. They have also failed to assess or account for the negative visual or biodiversity impact that the formalisation of access to this extremely sensitive land may have.
5. The appellant has placed great emphasis in this inquiry about the fact that they, the LPA and the Highways Authority agree on many areas of the appeal scheme. The inference of this is that *our* concerns about areas where there is otherwise agreement are without basis. We requested Rule 6 Status precisely because – while we agree with and support the LPA's reason for refusal – we have a different opinion on certain elements of the scheme. We have provided credible evidence – informed by equally valid lived experience - to support this difference of opinion. It is now for the Inspector to make a judgement, considering all the evidence presented.
6. It remains EGG's view that, contrary to the appellant's claims, this scheme has many disbenefits. It is our case that these significantly and demonstrably outweigh what we consider to be its very limited benefits.
7. We have set out evidence that the scheme would cause fundamental character change to landscape setting land and therefore conflict with CP16; we have set out evidence that the open space offered as compensation for the destruction of the Spruce Close Green is of lesser value and that the scheme does not therefore comply with ELPFR L3 (d) or NPPF 99 (b); we have set out evidence that the scheme is in an inappropriate location that would not support a walkable neighbourhood and would increase car use

and carbon emissions; and we fully support the LPA in their conclusion that the scheme conflicts with H1 and goes squarely against the council's spatial strategy and its explicit intention to steer development away from Exeter's Northern Hills.

8. This closing submission summarises the evidence we have presented and heard during the inquiry. We believe that this evidence supports our case that the appeal should be dismissed.

Open Space

9. We disagree with the LPA's conclusion that the scheme complies with Exeter Local Plan First Review Policy (ELPFR) L3(d) and National Planning Policy Framework (NPPF) 99(b).
10. It is agreed that the appeal scheme would result in some degree of loss of open space. We disagree with the appellant on the extent of this loss. I will return to this later in this statement.
11. Regardless of the extent of the loss, all parties agree that ELPFR L3(d) and NPPF 99 (b) apply to this scheme. It is agreed that these policies require the appellant to compensate for any loss to open space by a replacement provision of "at least equivalent" value in terms of both quantity and quality.
12. ELPFR L3 was not included in the schedule of important policies in Dr Rocke's Proof of Evidence. The appellant also refused to agree to its inclusion in their Statement of Common Ground with us. Under cross-examination, Dr Rocke explained that ELPFR L3 was not included as an important policy because the LPA determined that that the scheme complied with it. This does not explain why other policies where compliance was also established *were* included in the schedule. Dr Rocke also asserted that, while relevant, ELPFR L3 was not an important policy in this appeal. It is EGG's view that ELPFR L3 is an important policy in the determination of this appeal and would ask that the Inspector give it due consideration.
13. It is agreed by all parties that the introduction of an access road across the green at the top of Juniper/Spruce Close (Juniper Green) would result in a loss to public space. This green is designated Public Open Space in the LPA's development plan.
14. The evidence of Reverend Steven Hanna is unequivocal in highlighting that the designated Public Open Space at the top of Juniper/Spruce Close (Juniper Green) is a highly treasured community asset. He told the inquiry that 100% of residents on the Pinwood Meadow Side use the green. They do so because of its safety, tranquillity, and location. It is our assessment based on this evidence that the green has an extremely high community, recreational, ecological and amenity value, to use the language of policy L3(d).
15. We maintain that no meaningful qualitative assessment was ever carried out by the appellant or the LPA to establish the value of the Juniper Green in order to assess the scheme's compliance with ELPFR L3(d) and NPPF 99 (b). Under cross-examination, Dr

Rocke asserted that his conversation with the LPA's planning officers about realigning the access route to reduce impact on the Green constituted a qualitative assessment. We do not accept this as evidence of a qualitative assessment, or at least not as any kind of meaningful one.

16. When asked how he would undertake a qualitative assessment of the value of the space, Dr Rocke mentioned that this is revealed through consultation responses from community members. In that we are in full agreement. We have undertaken a comprehensive analysis of consultation responses (REF) and concluded from this that the site has an extremely high value.
17. In addition to the absence of a meaningful qualitative assessment, EGG also disagrees that Dr Rocke's quantitative assessment (para 2.4 of his rebuttal Proof of Evidence) adequately captures the extent of the loss to the green. His numerical assessment of the loss and compensation concludes that there is in fact a net gain in the quantum of space. This assessment is underpinned by a crude calculation that the only space lost is the exact area of the access road. This does not appear to factor in any safety boundaries or other infrastructure nor the fact that the areas directly abutting the road will become unusable.
18. We also disagree with Dr Rocke as to the extent of the character change that will occur to the green by the introduction of an access road. The key reason for its high value is the fact that it sits at the top of a close adjoining only by fields. The introduction of a two-way road used to access a 93-dwelling development and to accommodate an extended bus route will introduce noise, light and air pollution. It is our view that this will significantly harm the character of the Green and, by extension, significantly reduce its recreational, community, ecological and amenity value. We do not believe that the impact of this is reduced by the appellant's realignment of the access road.
19. Turning to the proposed replacement, Dr Rocke has clarified that a strip of land to the south of the development is being offered as compensation for the loss of Juniper Green. He argues that this land is contiguous to the existing open space.
20. Under re-examination, Dr Rocke seemed to confirm that the tree boundary to the south of the development site would be maintained. Certainly, it is agreed that this tree screening is essential to mitigate further character and visual impact harm. It is our case that this tree boundary reduces the use value of the proposed replacement. It would cut the replacement off from the existing space for the majority of the boundary and thereby reduce the overall continuous area that could be used for residents for recreation and community togetherness.
21. Further, the appellant's parameter plans clearly show that, just as the existing green would be bisected by the access road, so too would the replacement space be. In terms of compensation, therefore, we are looking at an offer of two strips of land cut in half by a road. It is hard to see how this has an "at least equivalent" value to the tranquil, continuous piece of green that it would replace. If anything, it merely replicates the

harm that would be caused to Juniper Close and would be similarly affected by noise, light and air pollution.

22. We do not agree that the LEAP that would be provided on the development site is realistically accessible to existing residents of Pinwood Meadow Drive, Spruce Close and Juniper Close. It is situated at the top of the site at a considerable distance from these residences. It is extremely unlikely that it would be used for unaccompanied play by young children from the current estate in the way that is supported by Juniper Green. We do not agree therefore that these can in any way be considered part of the compensation for the loss of Juniper Green.
23. It is our view that there is no credible evidence of the scheme's compliance to ELPFR L3(d) or NPPF 99 (b). In that we disagree with the LPA. Given the absence of any qualitative assessment being undertaken during the consideration of the application, we would ask the Inspector to give the evidence of Reverend Hanna serious consideration when assessing whether this scheme does indeed comply with these policies.
24. Under cross-examination, Dr Rocke did not agree that the appeal scheme would result in any other loss of open space that would require compensation. He did not accept EGG's view that the development site itself met the NPPF's definition of Open Space. The NPPF defines Open Space as:

All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity

It is EGG's case that the development site does meet this description. It is agreed by all parties that it has been used informally for recreation by residents for decades. Reverend Hanna's evidence supports this as do representations received by residents who describe using these fields for dog walking and exercise. Many residents have also commented on the sense of calm and tranquillity and visual amenity provided by the space. Nowhere in the NPPF's definition does it say that formal public access is a requisite for its being open space.

25. The first paragraph of Section 16.2 of the Planning Officer's report of September 2021 clearly sets out that it is also the Council's view that the development site meets the definition of open space. The first sentence reads "the site is privately owned, however the public have been able to access it informally for recreation purposes." The report then sets out the NPPF definition of open space before turning to look at the details of ELPFR Policy L3. It could not be clearer from this that the LPA finds that ELPFR L3 applies in this instance too.
26. Under cross-examination and re-examination, Dr Rocke asserted that the LPA had never expressed such a view to the appellant. The appellant therefore disagrees that any loss to open space would occur through the development of the appeal site. I will leave this difference of opinion to the Inspector to consider. However, it appears to me to be unreasonable to question the integrity and professional advice of a chartered town

planner and officer of the Council, which is what the appellant is doing when they query the accuracy of information set out in the case officer's committee report.

27. There is, therefore, fundamental disagreement as to whether the proposed New Valley Park represents in part a compensation for the *actual* loss of open space on the development site – as the LPA and Rule 6 Party believe and as, importantly, planning committee members were led to believe when considering the application – or whether it is a community benefit delivered as a goodwill gesture to address a “perceived” loss, as the appellant claims. We will leave this to the Inspector to decide.
28. Wishing to save Inquiry time, EGG accepted Dr Rocke's advice that questions related to Local Green Spaces in NPPF policies 101-103 were irrelevant to the appeal. It is our view, however, that, as a Public Open Space designated in the Council's Development Plan and clearly meeting the tests set out in NPPF (102), Juniper Green is a Local Green Space and, therefore, that NPPF (103) applies to this appeal. EGG requests that the Inspector examines this question as part of her considerations.

Landscape impact

29. In presenting his evidence on the landscape and visual impact of the scheme, Mr Bunn affirmed that the LVIA did find a visual and character impact and that this harm would need to be weighed up against the benefits of the scheme. He concluded that there would be a medium-large change of character to the site.
30. It has always been our case that the appellant's LVIA underestimates the value of the site by concluding that it is of only medium sensitivity. They brush aside the findings of the 2007 Exeter Fringes Site (EFS) which found that Zones 4 and 6 – in which the site sits – are of high intrinsic sensitivity, with very limited to no capacity for housing development. They do so on the basis that it makes “broad-brush” conclusions and argue instead that the two development site fields are of lesser sensitivity and can accommodate more development.
31. We do not agree that the findings of the EFS should be so easily out aside. It should be noted that the Inspector of the December 2021 Pennsylvania Road appeal concluded that the EFS remained relevant (para 33) because “there is no evidence that the important characteristics and features of the surrounding area have significantly changed since the study was undertaken.”
32. The appellant referred to the objective of the Study set out in para. 1.1, which is to:

Assess the capacity of the landscape around the fringes of Exeter to accommodate development and to identify those landscapes that should be protected from development, taking into account the value of these landscapes and their sensitivity to change

They used this to argue that the EFS is a strategic document and has a separate function than the LVIA, which makes a site-specific assessment of value and sensitivity. EGG

agrees that the ESF is a strategic document and therefore, necessarily, that its conclusions should have been used to inform the baseline sensitivity included in the LVIA. Its objective – as set out in 1.1- is to identify those greenfield sites that *can* accommodate development so as to ensure that Exeter’s housing growth does not compromise its landscape setting. The ESF study could not be clearer that this site falls within Zones that are not appropriate for development. This cannot be overlooked in assessing the character impacts of the appeal scheme.

33. Landscape Guidance Technical Note 02/21 on assessing landscape value outside national designations – which postdates the development of the appellant’s LVIA – is clear that assessing a value of a site must necessarily take in its wider context and that it is “too narrow” to assess based on a site alone (A5.1.7). It is EGG’s view that the appellant’s argument that Fields 1 and 2 are of lesser sensitivity and value than that attributed to the EFS Zones in which they lie, does not sit comfortably with this guidance.
34. Information surfaced during the Landscape Impact round-table session supports our view that the visual and character impact of the scheme has been underestimated. Firstly, that the LVIA was developed before details of the scheme emerged and that, resultingly, it underestimates the Theoretical Zone of Visibility and, secondly, that no assessment was made of the impact on Residential Visual Amenity. During the Inquiry, Mr Bunn conceded that there would be a large magnitude of change to residential visual amenity. Given the sensitivity of receptors, this large-scale change would, in our view represent a substantial adverse impact. This additional adverse impact, when combined with Mr Bunn’s conclusion that the scheme would cause harm on other fronts, suggests the scheme would incur more serious visual harms than previously concluded.
35. To assist the inquiry, we produced additional viewpoint photography and Verified Views. View 2 of the Verified Views [REF] clearly demonstrates the severity of the impact on Residential Visual Amenity. Our additional viewpoint photographs provide a more comprehensive overview of the visual prominence of the site than comes through in the six VPs provided by the appellant. We are grateful to the Inspector for her time in considering these additional viewpoints and for agreeing to visit some of them in person.
36. Whether or not the adverse impacts of the scheme constitute harm to the character and distinctiveness of the Exeter’s landscape setting has been covered by Miss Olley so I will not repeat it here. EGG supports Mr Upton’s conclusion that it does and that, therefore, the appeal scheme conflicts with CP16, which requires these characteristics to be protected.¹

Appropriate Location

37. It is EGG’s case that the appeal site is not an appropriate location for development, both in relation to the LPA’s spatial strategy and in terms of accessing facilities by sustainable

¹ See APP/Y1110/W/18/3202635 for an interpretation of Policy CP16 at Clyst Road, Topsham

travel modes. The LPA has provided compelling evidence as to the scheme's conflict with ELPFR Policy H1 and to the weight attributable to this policy, so I will not speak further to that here.

38. In his opening statement, Mr Simons lamented the failures of Exeter's local planning system which, he claims, are forcing people to find a home further away from where they work, shop and socialise. While we fail to understand on what possible basis he makes this conclusion, we agree with Mr Simons that people *should* be able to live in an area that serves their daily needs and from which they can easily and sustainably access work and leisure activities. That is why we do not believe this scheme – which in no way meets this test – should be granted outline consent.
39. The appellant has emphasised that there is agreement between them, the LPA and the Highways Authority that the site is sustainably located. EGG does not agree with this conclusion. Dr Baker, who has significant professional experience in evidence-based practice, set out compelling evidence to the Inquiry to support our conclusion. She highlighted discrepancies between the appellant's Design & Access Statement and realities on the ground, which paint a very different picture of local amenities. Taking the walking distance/time figures included in the appellant's Statement of Common Ground with Devon County Council – which we argue are underestimates – it is clear that this scheme does not meet the definition of a walkable neighbourhood as set out in the government's Manual for Streets. Dr Roche argues that this definition bears less relevance in the context of a sustainable urban extension. I will leave this to the Inspector to consider.
40. Dr Roche argued that the site would provide people with a "genuine choice" to access amenities on foot. He conceded, however, that there would be residents – such as the elderly and less able bodied – that would not be able to exercise this choice. However, Dr Baker's evidence on the gradient of the site, which averages at 6.4% and is 7% in some part, means that even those physically able to use active travel would be deterred from doing so. Evidence shows that if gradient increases by 1% people are 10% less likely to walk. This average gradient therefore represents a 64% drop off in willingness to walk. The impact of gradient in the area is already established as can be seen in Dr Baker's survey data which shows that few residents rely on active travel for their daily needs. It is therefore clear that a high proportion of residents will need to rely on a car to move around and that, therefore, the site is not accessibly located in terms of sustainable travel. I will discuss the scheme's provision for an extended bus route below.

Benefits of the Scheme

Provision of market and affordable housing

41. Mr Simons states in his opening that there are no technical constraints to the scheme coming forward well within five years. It would have been nice had Mr Pycroft applied this optimistic approach to his assessment of the LPA's housing supply position. Instead, he set an unreasonably high bar for "clear evidence" and used this to argue against the

inclusion of a high number of outline schemes. Applying Mr Pycroft's own logic throws doubt on the deliverability of the appeal scheme within the next five years.

42. In contrast, the LPA set out a proportionate, reasonable and measured approach to calculating their housing supply position. EGG supports their conclusion that there is only a "moderate" shortfall. This view was endorsed by the Pennsylvania Appeal Inspector in January 2022.

43. In light of this modest shortfall, it is EGG's view that the provision of 61 market homes should carry moderate weight.

44. We agree that there is an affordable housing crisis, exacerbated by conflicting government policy. We support Mr Upton's conclusion that the provision of 32 affordable homes should carry significant, not substantial, weight.

Extension of F1 bus route

45. Mr Upton told the Inquiry that extending the bus route to the development should carry neutral weight as it is required to make the scheme acceptable. Dr Baker's evidence clearly showed how very few current residents rely on the buses to meet their daily and time critical needs. We also dispute the claim that it would increase convenience of access and use in practice given the current low take up of public transport in the area despite existing convenient access. We agree with Mr Upton's assessment.

New Valley Park

46. EGG acknowledges the benefit of securing formal access to the proposed New Valley Park in perpetuity. However, we would ask the Inspector to examine how much of this is required for compliance with ELPFR L3(d) to determine the residual weight of this as a community benefit. It is EGG's view that this carries moderate weight as a community benefit.

Conclusion

47. It is our view that the evidence of both EGG and the LPA show that the disbenefits of the appeal scheme significantly and demonstrably outweigh its benefits. We respectfully request the Inspector to therefore dismiss the appeal.

48. We would like to thank the Inspector for allowing us the opportunity to participate in this Inquiry as a Rule 6 Party. It has certainly been an illuminating experience. We came into this process only 10 weeks ago and have had considerably less human and financial resources at our disposal than the appellant. Despite this, we believe we have provided reasonable and credible evidence that merits serious consideration. The fact that this evidence was generated from and by the community and delivered by lay people and not leading experts does not mean that it should carry any less weight in this appeal.