

Report to: Strategic Planning Committee



Date of Meeting 2 September 2025

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

East Devon Local Plan – Duty to Co-operate

Report summary (and report details in full):

This report summarises duty to cooperate considerations and highlights the need for continued work in a number of key issues including housing and employment land provision, transport issues, habitat mitigation issues and water quality matters. The report summarises the current position in each case and identifies key actions needed to progress the plan and continue to respond appropriately to the emerging Exeter Plan.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

1. That Strategic Planning Committee note the issues highlighted in this report, particularly those matters that remain unresolved.
2. That Strategic Planning Committee agree to the addition of explanatory text to the local plan to deal with any future significant under delivery of housing in East Devon, or requests from other authorities to help meet their unmet housing requirement, as set out in paragraph 2.3 of this report.
3. That Strategic Planning Committee note that there continue to be concerns with Exeter City Council's approach employment land provision in the Exeter Plan which are being clarified through a statement of common ground. Delegated authority to be granted to the Assistant Director – Planning Strategy and Development Management in consultation with the Portfolio Holder for Place, Infrastructure and Strategic Planning to sign a Statement of Common Ground with Exeter City Council which reflects the Council's position as previously agreed by the Committee.
4. That Strategic Planning Committee note the update on the Water Cycle Study and consider including a strategic policy on water quality, as generally described in paragraph 6.3 of this report, the details of which would be finalised following the completion of the water cycle study.

Reason for recommendation:

To ensure Committee are aware of the importance of complying with the duty to cooperate and the issues that remain to be resolved.

Officer: Ed Freeman – Assistant Director Planning Strategy and Development Manager

Portfolio(s) (check which apply):

- ☐ Assets and Economy
- ☐ Communications and Democracy
- ☒ Council, Corporate and External Engagement
- ☐ Culture, Leisure, Sport and Tourism
- ☒ Environment - Nature and Climate
- ☐ Environment - Operational
- ☐ Finance
- ☒ Place, Infrastructure and Strategic Planning
- ☐ Sustainable Homes and Communities

Equalities impact Low Impact

Climate change Low Impact

Risk: No specific risk impacts are identified.

Links to background information Links are contained in the body of the report.

Link to [Council Plan](#)

Priorities (check which apply)

- ☐ A supported and engaged community
- ☒ Carbon neutrality and ecological recovery
- ☒ Resilient economy that supports local business
- ☐ Financially secure and improving quality of services

1 Introduction

- 1.1 The duty to co-operate is a legal plan making requirement to ensure local planning authorities and county councils cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries. The first thing that the inspector/s appointed to examine our plan will consider is whether we have met our duty to co-operate and, if it is found that we have not, the plan will not progress to examination of soundness. It is therefore vital that we actively consider any issues raised under the duty to co-operate to establish whether agreement can be reached. A brief summary of the current issues is set out in table form in Appendix 1 to this report with recommended changes to the plan text also referenced. The second regulation 19 plan will be supported by statements of common ground which are signed by the parties involved and set out the relevant issues, the degree to which agreement has been reached and any outstanding matters.
- 1.2 The main duty to cooperate issues that remain to be resolved relate to: changes to plan text to include contingency planning for potential future situations of either significant under delivery of housing in East Devon or requests to meet with unmet housing requirement from other local planning authorities; clarity on whether employment allocations meet an East Devon need only and the extent to which they could meet a wider 'Greater Exeter' need, particularly for Exeter City; transportation issues related to growth in the West End; the implications of additional traffic for the Pebblebed Heaths and water quality.

2 Housing requirements.

- 2.1 Great care has been taken to ensure that the housing allocations in the plan have been thoroughly assessed to determine that they are likely to be delivered within the plan period. The plan includes appropriate 'headroom' so that it is not necessary for every site to be developed to meet our housing requirement. However, it would be sensible to include additional text within the plan to set out explicitly that a plan review/update would be triggered should housing delivery fall significantly short due to unforeseen circumstances.
- 2.2 Furthermore, there is uncertainty from other local planning authorities over whether they will be able to meet their housing requirements in local plans that are at an earlier stage of preparation. Torbay council has requested that the East Devon Local Plan helps to meet their housing requirements. Most of the constraints to development in Torbay also apply to East Devon and Torbay has not produced any comparative evidence to justify additional housing in East Devon rather than Torbay. A [report](#) to this Committee in response to a previous Torbay consultation in 2022 summarises the issues involved. East Devon has no shared border with Torbay and is separated from it (on land) by Exeter City Council and Teignbridge District Council. Given the physical separation between Torbay and East Devon, it would be difficult for Torbay to justify how the provision of additional housing within East Devon could meet the Torbay housing requirement. Furthermore, the environmental and other constraints of building additional housing in East Devon, rather than in or closer to Torbay, to meet a Torbay requirement would need to be properly investigated, considered and justified.
- 2.3 The neighbouring authorities of Mid Devon, Somerset and Dorset are at an early stage in plan making so it is not clear whether they will be able to meet their own housing requirements.
- 2.4 In order to make it clear that significant under delivery of housing in East Devon would result in a plan review/update (or to meet the duty to cooperate), it is recommended that additional plan text (not policy) is added to paragraph 3.8 of the plan as set out below. This is an approach that was found to be acceptable through the examination of the Teignbridge Local Plan.

Levels of future housing provision

- 3.8.** Delivering a sufficient supply of homes' is an NPPF policy theme. The NPPF requires Local Plans to identify and meet as a minimum the objectively assessed development needs for their area. The purpose of this strategic policy is to set out what the housing development requirements are for East Devon for the plan period. This is central to the council's 'plan, monitor and manage' approach to housing development. In the event of housing not being delivered in accordance with the plan and/or the identified need for new homes changing in the future, including taking account of possible unmet needs in neighbouring areas, the requirements of national policy and legislation for a review/update of the plan will be followed.

3 Employment Land

- 3.1 East Devon objected to employment land provision in the Exeter Regulation 19 plan on the basis that it failed to allocate or otherwise make sufficient land available to accommodate the future employment needs of the city. The representation noted that the City Council's approach relied on employment land provision outside of the city boundary but within the wider Functional Economic Market Area to meet the economic needs of the area. However,

no request had been made under the duty to co-operate for East Devon District Council to assist in meeting the employment land needs identified by the EDNA. East Devon stated that the land identified in its emerging Local Plan 2020 – 2042 is necessary to meet the needs of East Devon and does not seek to address wider needs. East Devon requested that the Exeter Plan explicitly quantified, citing appropriate evidence, city employment land needs and all sources of supply, specifically including land allocations in the plan, with any shortfalls in land provision arising between the supply and need assessment being addressed through additional provision, specifically land allocations for development, in the Exeter plan. These views were agreed by the committee at its meeting of the 4th February 2025 following consideration of the report available at: [3. Exeter Reg 19 Local Plan consultation.pdf](#)

- 3.2 Exeter supported the East Devon first Regulation 19 plan, saying “East Devon, Exeter, Mid Devon and Teignbridge Councils have a jointly commissioned economic development needs assessment which provides the employment evidence for the functional economic area (FEMA). It is noted that through the East Devon Local Plan East Devon are making a significant contribution to employment land requirements and that overall, the employment development needs of the FEMA are being met. This demonstrates that the area operates on a functional geography which crosses administrative boundaries. The City Council supports this approach”.
- 3.3 In their draft SoCG to support their submission plan, Exeter has set out the position as shown in the box below.

The City of Exeter generates significant growth potential for the sub-region but has limited land within its administrative boundary to accommodate this. The growth of the City's economy can take place outside its boundary and the EDNA is clear on this issue. The Publication Draft Local Plan acknowledges the City's shortage of employment land, and refers to the city's role within a FEMA, stating that need and supply should be matched across Greater Exeter.

The principle of matching requirement and supply across the FEMA is well established and is reflected in the commissioning and use of the Greater Exeter EDNA in the preparation of the Draft Local Plans in the area.

The current employment land need and supply position across the FEMA indicates that supply significantly exceeds demand and therefore economic growth potential will not be constrained. However, it is acknowledged that the Publication Draft Exeter Plan isn't sufficiently clear, or up to date, in regard to demonstrating how economic need can be met. Therefore, a modification to the Exeter Plan is to be suggested to set out the potential for economic growth generated by the FEMA over the plan period and to show how this is met by the constituent authorities.

A further modification to Policy EJ1 of the Exeter Plan is to be suggested to insert an evidenced jobs growth target for Exeter.

A modification will also be suggested to insert reference to the clean growth scenario and to state clearly that we are committed to strive to meet this higher growth potential.

The Publication Draft Exeter Plan already indicates that development proposals will be supported where they meet the economic needs of the city as identified in the EDNA (see policy EJ1). However, a modification will be suggested to ensure a more balanced and flexible approach to economic growth, that refers to the priority sectors identified in the UK's Modern Industrial Strategy (as well as the transformational sectors).

Furthermore, the new site allocations (see policy EJ6), which were identified specifically for transformational uses, will, through a suggested modification, be opened up to all traditional classes of economic development that meet the economic needs of the city and the wider area as identified in the EDNA. Whilst the transformational sectors will undoubtedly be

important to the future of the City's economy, taking a less prescriptive approach to the nature of occupiers will ensure flexibility in meeting the employment needs of the city.

Exeter has responded to previous concerns regarding brownfield sites (at Regulation 18 stage) by removing Marsh Barton and North Gate from the list of allocations. The regeneration opportunity areas are not allocations but are a proactive attempt to ensure efficient use of brownfield land in accordance with the approach advocated by national policy (this approach was actually suggested by MDDC at a duty to cooperate meeting on 16 April 2024 at which EDDC were present). Furthermore, the policy criteria for any proposed regeneration requires that development proposals 'Ensure no loss of employment floorspace'.

And finally, whilst East Devon's contends that its own employment land allocations only meet the District's own needs, the Draft East Devon Local Plan has identified 178 ha of employment land supply to meet a need for 80 ha generated by the East Devon economy (as determined by the EDNA). The Draft East Devon Local Plan appears to be meeting the long-established principle of considering need and supply across the FEMA. Without considering the principle of balancing supply and needs across Greater Exeter, East Devon's Plan could be seen as over-providing employment sites, leaving some sites vulnerable to proposals for alternative use.

- 3.4 Discussions are progressing on Statements of Common Ground to set out the respective positions of the two authorities to the examination of the Exeter Plan. These will not look to change the Council's previously stated position but will pick up on areas of agreement as well as the points of disagreement. Delegated authority is sought to agree statements of common ground with the city council which accurately reflect the position of this Council as previously agreed.

4 Transport issues related to growth in the West End

- 4.1 Members will be aware that work is ongoing on the Greater Exeter Transport Study, being prepared with the three other districts in the area, Devon County Council, and National Highways. The study comprises a series of transport modelling reports, some of which were published alongside the Regulation 19 Local Plan, other reports that are ongoing, and the mitigation measures required to minimise travel by car. In consultation responses to the Regulation 19 Local Plan, National Highways object due to significant impacts on the strategic road network (M5 and A30); Devon County Council state the potential transport impacts of the new community are significant due to its scale and proximity to parts of the transport network which are already under significant pressure; and Exeter City Council note the development allocations will have implications on the transport network that will be felt at Exeter given its strategic role.
- 4.2 Whilst there are undoubtedly major transport issues arising from significant growth in the West End, these are 'normal' planning issues that we are working to resolve. The prescribed bodies recognise that work on transport evidence is ongoing, and there has been no indication of a failure to comply with the Duty to Co-operate. Indeed, in their Local Plan consultation responses, Exeter City Council, Devon County Council, and National Highways have made clear they are working closely with us and the other districts on the transport evidence, welcoming the collaborative approach.

5 Implications of additional traffic for the Pebblebed Heaths

- 5.1 Habitat Regulation Assessment work for the local plan has identified that with additional development (most significantly new homes being built) there will be greater levels of traffic using roads crossing the Pebblebed Heaths. The Pebblebed Heaths are designated in the

highest tier of wildlife sites in the UK – both a Special Area of Conservation and a Special Protection Area.

- 5.2 Petrol/diesel engine vehicle exhausts lead to increased levels of nitrogen being deposited along roads which lead to increased growth of the 'wrong' types of vegetation and this is detrimental to biodiversity conservation objectives and targets.
- 5.3 To understand the nature and scale of the concerns, and thereafter appropriate mitigation, East Devon District Council has appointed consultants, Ricardo, to assess matters more fully. This is joint work with key partner bodies including Natural England and the key conservation managers of the Pebblebed Heaths. The mitigation strategy will form evidence to justify and sit behind local plan policy, and it will inform future spend and investment packages.

6 Water quality

- 6.1 In their response to the first Regulation 19 plan, the Environment Agency raised concerns about a lack of evidence and policy related to water quality. The EA highlighted the prevalence of recent water incidents, the increase in housing requirement and the number of sensitive water receptors and designations in East Devon. It also expressed concern that the local plan does not reflect national policies relating to improving water quality where possible and preventing development from contributing to unacceptable levels of water pollution.
- 6.2 Committee will recall that the Council commissioned a water cycle study. This work has been long in gestation but we are pleased to advise that it is now moving towards completion. A draft from the consultants, Haskoning, has been received and has been reviewed. Feedback on relevant refinement has been provided and there is minor additional testing and review work that they have been asked to undertake.
- 6.3 The consultants have also been asked to address concerns raised by Members that the report does not adequately address the capacity of transmission infrastructure particularly within Exmouth leading to the Maer Lane wastewater treatment works. There were also requests that the work explain the evolution of investment works in the Maer Lane and Countess Wear wastewater treatment works since the last water cycle study so that the assessments can be better understood. Aside from this further work the consultants will also need to rerun modelling to reflect the final housing allocations in the plan.
- 6.4 The intent is that the final study will be reported to committee and that it will form part of the background evidence behind the 2nd Regulation 19 consultation draft of the plan and will be available to inform any final policy refinement.
- 6.5 Several policies in the local plan relate to water quality. Policy DS04: Green and blue Infrastructure requires major development proposals to provide multi-functional green infrastructure which incorporates and enhances natural ecosystem functions including water quality. Policy OL09: Control of pollution states that permission will not be granted for development which would result in pollution that cannot be adequately mitigated, including pollution of all water bodies. Strategic Policy AR01: Flooding requires sustainable drainage systems that reduced pollution risks and enhance water quality on all development sites.
- 6.6 Whilst these policies collectively require improvements to water quality, there is no overarching policy to bring such issues together. Members may consider it preferable to include such a policy to explicitly put improvements to water quality at the heart of the plan. Any such policy would need to be informed by the final water cycle study (WCS), but would be likely to include:
 - a requirement for major development proposals to demonstrate what measures can reasonably be taken to enhance the water environment;

- a requirement for development to make adequate provision of water services including timely provision of foul water so that development does not overload the sewer network;
- the phasing of development to ensure the avoidance or mitigation of any adverse impacts to residents on water supply or wastewater infrastructure;
- provision of appropriate surface water drainage and disposal; and
- measures to protect aquifers and Source Protection Zones.

Financial implications:

Consultancy work commissioned, which is referred to within the report is being completed within budget. (AB/19/08/2025)

Legal implications:

There are no direct legal implications identified within the report (002533/20 August 2025/DH)

Appendix 1 Duty to Co-operate summary table

Topic	Issue	Summary	Changes to plan
1A Housing	Meeting the East Devon requirement	The second Regulation 19 East Devon Local Plan shows a housing delivery that meets the net new homes required under Annex 1 of the December 2024 NPPF. No requests have been made to neighbouring local planning authorities to help meet unmet need.	None
1B Housing	Meeting Exeter requirement	The Publication Exeter Plan makes provision to meet its own housing requirement, and no requests have been made by Exeter for neighbouring authorities to help to meet its housing requirement.	None
1C Housing	Meeting Teignbridge requirement	The Teignbridge Local Plan is in the final stages of preparation with adoption of the plan expected following the current main modifications consultation. The plan makes provision for Teignbridge to meet its own housing requirement (outside of Dartmoor National Park) and no requests have been made for neighbouring authorities to help to meet the Teignbridge housing requirement.	None
1D Housing	Meeting Mid Devon requirement	Work on a new plan has recently started and plan adoption is scheduled for 2028. It is too early to know whether Mid Devon will request that neighbouring authorities help to meet its housing requirement.	Additional text as set out in paragraph 2.4 of this report.
1E Housing	Meeting Somerset requirement	Work on a local plan for Somerset started in 2023 and the plan is scheduled for adoption in 2029. It is too early to say whether Somerset will request that neighbouring authorities help to meet its housing requirement.	Additional text as set out in paragraph 2.4 of this report.
1F Housing	Meeting Dorset requirement	Work commenced on the Dorset Local Plan at the point that Dorset Council was formed in 2019. The Dorset Local Development Scheme shows plan adoption in 2028. In response to the first Regulation 19 consultation, Dorset Council stated that it was not possible to say if Dorset will have an unmet housing need.	Additional text as set out in paragraph 2.4 of this report.
1G Housing	Meeting Torbay requirement	The Torbay Local Plan was adopted in 2015. Work is currently focussed on preparatory work for a review/update, including further evidence base work and assessments. At the first Regulation 19 consultation Torbay requested that East Devon meet part of its housing requirement. Given the physical	Additional text as set out in paragraph 2.4 of this report.

Topic	Issue	Summary	Changes to plan
		separation between Torbay and East Devon, it would be difficult for Torbay to justify how the provision of additional housing within East Devon could meet the Torbay housing requirement. Furthermore, the environmental and other constraints of building additional housing in East Devon, rather than in or closer to Torbay, to meet a Torbay requirement would need to be properly investigated, considered and justified.	
1H Housing	Meeting the Gypsy and Traveller requirement	A needs assessment for permanent pitch provision has been undertaken jointly with Exeter, Mid Devon and Teignbridge and informs the policies and allocations on the plan. The need for a transit site/s is being addressed jointly between all four authorities. See separate report to this meeting for further details.	None.
2A Climate change	Mitigation	The first Regulation 19 plan included a chapter on mitigating climate change, including policies to meet the overarching goal of achieving carbon neutrality in East Devon by 2040. The Environment Agency had some detailed comments on these policies that it is recommended are incorporated into the second Regulation 19 plan.	Minor policy wording changes recommended by the Environment Agency.
2B Climate change	Adaptation	At the Regulation 18 consultation, the Environment Agency suggested that more emphasis should be given to adaptation and resilience (extreme heat, flooding, water supply). These were incorporated into the policies of the first Regulation 19 consultation, and no substantive representations were made on this subject. The Environment Agency did make some detailed policy comments that it is recommended are incorporated into the second Regulation 19 plan.	Minor policy wording changes recommended by the Environment Agency.
3A Employment	Meeting East Devon needs	The Publication local plan and supporting documents, demonstrate that we can meet our employment needs in full. East Devon, Exeter, Mid Devon and Teignbridge Councils have a jointly commissioned economic development needs assessment which provides the employment evidence broken down, by sector and size, to a district level. Sufficient land is allocated in East Devon to meet the districts identified need in full with some headroom to allow for flexibility and changing market conditions. The requirement for land for logistics based	None

Topic	Issue	Summary	Changes to plan
		industry was assessed across the whole study area and allocations in East Devon are sufficient to meet the identified requirement in full. This was the only sector assessed on this basis.	
3B Employment	Meeting the needs of others	There have been no formal requests from neighbouring local planning authorities to meet any of their employment needs within East Devon. However, this authority objected to employment land provision in the Regulation 19 Exeter plan on the basis that it failed to allocate or otherwise make sufficient land available to accommodate the future employment needs of the city. See paragraph 3 of this report for further details.	None
4A Transport	'Greater Exeter' strategy	Joint work on transportation in relation to developments within the West End is ongoing as summarised in paragraph 4 of this report.	Await evidence to inform the Local Plan and Infrastructure Delivery Plan.
4B Transport	Rail improvements	Network Rail are investigating how to improve the frequency of rail services along the Exeter – Waterloo line. The provision of one or two passing loops would enable one extra train per hour from Honiton or Axminster to Exeter. This is reflected in Local Plan Strategic Policy TR02: Protecting transport sites and routes.	None
4C Transport	Walking and cycling improvements	Walking and cycling. Devon County Council has adopted the Clyst Valley and New Communities Local Cycling and Walking Infrastructure Plan (LCWIP), which includes walking and cycling routes in the West End of East Devon travelling into Exeter. This is reflected in Local Plan Strategic Policy TR02: Protecting transport sites and routes. DCC has also adopted the Countywide LCWIP, and has requested the Otter Trail, and Beer to Axminster and Uplyme routes are added to Strategic Policy TR02.	None – the Otter Trail, and Beer to Axminster and Uplyme routes are only indicative in the LCWIP and lack sufficient certainty to protect in Local Plan policy.
5A Water quality	River Axe catchment	Developments in the catchment of the River Axe in Somerset, Dorset and Devon have the potential to have a negative impact on water quality to the detriment of the River Axe Special Protection Area. Strategic Policy PB04 theoretically ensures that there are no adverse effects and further work is underway to establish suitable mitigation measures.	None

Topic	Issue	Summary	Changes to plan
5B Water quality	River Exe catchment	The Environment Agency comments on the Regulation 18 plan highlighted potential impacts from cumulative growth projections in East Devon, Exeter and Mid Devon on the Exe Estuary Special Protection Area. The Habitat Regulations Assessment (HRA) Regulation 19 version found that there were no credible risks to the Exe Estuary SPA/Ramsar with respect to water quality. No comments were received from the Environment Agency or Natural England at the first Regulation 19 consultation specifically related to water quality in the River Exe catchment.	None
5C Water quality	Improving all East Devon water bodies	In their response to the first Regulation 19 plan, the Environment Agency raised concerns about a lack of evidence and policy related to water quality in light of the prevalence of recent water incidents, the increase in housing requirement and the number of sensitive water receptors and designations in East Devon. It also expressed concern that the local plan does not reflect national policies relating to improving water quality where possible and preventing development from contributing to unacceptable levels of water pollution. See paragraph 6 of this report for further details.	Include additional strategic plan policy informed by WCS?
5D Water quality	Impact of increased housing numbers	This issue is being considered through ongoing work on the WCS.	To be informed by WCS.
6A Biodiversity	Nature recovery	There is a pipeline of BNG delivery that can accommodate the predicted level of growth over the next plan period.	None
7A Habitat mitigation	In combination impacts of proposed development on Exe Estuary SPA and Pebblebed Heaths SAC	A joint strategic approach to mitigating the impact of growth levels in East Devon, Teignbridge and Exeter on three designated European wildlife has been in place since 2014 and ensures mitigation can be delivered. The mitigation strategy provides a robust and established means to address impacts arising from the cumulative effects of development across a wide area and has been supported by Natural England.	None
7B Habitat mitigation	Air pollution from increased traffic on Pebblebed Heaths SAC	There is the potential for the plan to result in additional road traffic movements across the Pebblebed Heaths SAC/SPA that could have adverse impacts from vehicle emissions. Joint work with key	Await strategy.

Topic	Issue	Summary	Changes to plan
		partner bodies is being undertaken to understand the nature and scale of the concerns and identify appropriate mitigation. See paragraph 5 of this report for further details.	
8A Landscape and seascape	Impact of windfarms	The first Regulation 19 plan identified areas of land suitable for wind production, subject to a criteria based policy. Consultation responses expressed concern that some of these areas may be sensitive to landscape and heritage impacts and were not justified without further assessment. See separate report to this meeting, where it is recommended that the sites be removed from the policy map.	Remove areas from policy map.
9A Site allocations	New community	Strategic Policy WS01: Development of a second new community east of Exeter commits to partnership working to deliver infrastructure, social, community and education facilities to support a town of at least 10,000 homes in the longer term. The resolution of cross boundary issues in relation to transportation (as summarised in paragraph 4 of this report) has been the main focus of joint working so far. Ongoing work to deliver the new town will continue throughout and beyond the plan period.	
9B Site allocations	Land north of Topsham	The local plan includes an allocation for mixed use residential, employment, and supporting infrastructure on land adjoining the border with Exeter City (Strategic Policy WS10: Development next to the M5 and north of Topsham). Land is also safeguarded for education purposes. Nearby sites are also being allocated in the Exeter Local Plan And there may be further windfall developments. There has been an appreciation that sites on both sides of the administrative boundary should come forward in a co-ordinated way to ensure that infrastructure is delivered appropriately and it is understood that Exeter will make amendments to the plan text to ensure that this happens.	Agree suitable amendments to the text of the Exeter plan in a statement of common ground.