

REPORT TO EXECUTIVE

Date of Meeting: 27 June 2023

Report of: The Director of City Development

Title: Revised Local Development Scheme 2023

Is this a Key Decision?

Yes

Is this an Executive or Council Function?

Executive

1. What is the report about?

The report refers to a revised Local Development Scheme which identifies a brief scope and timetable for the preparation of Council planning policy documents including the emerging Exeter Plan (the new Local Plan) and other documents.

2. Recommendations:

That Executive approves the revised Local Development Scheme (Appendix A) as the basis for preparing local planning policy.

3. Reasons for the recommendation:

The existing Local Development Scheme was approved in June 2021. Since then, work on the Exeter Plan and other planning policy documents has progressed and there is a statutory requirement to keep the Local Development Scheme up to date. This report presents the necessary updates.

4. What are the resource implications including non financial resources

4.1 The evidence budgets required to prepare the planning policy documents listed in the Local Development Scheme have previously been agreed at various Executive meetings. The recommendation made in this report results in no direct additional budgetary implications at this stage.

4.2 However, the key premise throughout the emerging Exeter Plan is a switch to a predominantly brownfield development strategy. This will have resource implications. Robustly demonstrating the deliverability of large-scale and complex brownfield sites in the Exeter Plan when under scrutiny at a statutory examination will require a range of skills and experience, some of which lie outside the planning service, particularly in terms of land/property, development economics, master-planning, design, infrastructure coordination and delivery.

4.3 A further report will be brought to the Executive in due course to set out the additional resource requirements necessary to deliver an adoptable Exeter Plan. If further projects were identified staff capacity and policy timetables would need to be reviewed.

5. Section 151 Officer comments:

5.1 There are no immediate financial implications for Council to consider, but it should be noted that there is a clear suggestion that further resources will be required. Given the Council's financial position, there are no identified funds identified to support this further work and therefore Council will need to identify how to fund this prior to approving any expenditure.

6. What are the legal aspects?

A Local Development Scheme is required under section 15 of the Planning and Compulsory Purchase Act 2004 (as amended) and it must be maintained. The report seeks approval for a revised Local Development Scheme in line with this legislation.

7. Monitoring Officer's comments:

The Monitoring Officer has nothing further to add to this report.

8. Report details:

Background

8.1 In accordance with legislation set out in the Planning and Compulsory Purchase Act 2004¹, the Council has an existing Local Development Scheme (LDS) which identifies the planning policy documents which it intends to publish, the subject matter to be covered by each of the documents and a timetable for their preparation. The current LDS was approved by the Executive in June 2021.

Revisions to the Local Development Scheme

8.2 Legislation requires that Councils maintain and update their LDS. The updated document at Appendix A responds to this requirement.

8.3 In updating the LDS, specific focus has been given to the inclusion of detail regarding the following documents:

- The Exeter Plan (the local plan);
- Article 4 Direction and Houses in Multiple Occupation Supplementary Planning Document Review;
- The Water Lane Supplementary Planning Document;
- The Householder's Guide to Extension Design Supplementary Planning Document – review; and
- Community Infrastructure Levy (CIL): Charging Schedule Review.

8.4 Further explanatory detail on these projects is included in the following sections.

The Exeter Plan

¹ [Planning and Compulsory Purchase Act 2004 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

8.5 The Exeter Plan (the local plan) will be the primary Development Plan Document for the city. Once adopted it will replace the current Exeter Local Plan First Review and Core Strategy. In doing so it will include a vision, objectives, planning policies and site allocations for Exeter.

8.6 The first two milestones in the current LDS, the Issues consultation and an Outline Draft consultation, have been achieved enabling significant progress on this long term project. In particular, specific efforts were made to engage a wide audience during the consultation on the Outline Draft Plan which was held in the autumn of 2022 for 12 weeks, twice the statutory minimum period specific in legislation and in the Council's Consultation Charter.

8.7 The outline draft plan consultation saw a significant shift in the way in which the Council has undertaken planning policy engagement. The consultation included the launch of a new digital engagement platform, 15 exhibitions (including one in each Ward), social media presence and widespread advertising. These efforts resulted in more than 1,400 respondents, more than 3,000 responses, more than 1,000 people attending the exhibitions and more than 15,000 hits on the website. Response analysis showed clear support for the brownfield development strategy.

8.8 Following a review of future work required, the proposed revised LDS would see the plan progress through at least two further consultation phases before it is scheduled for adoption in December 2025.

8.9 It is proposed to amend the currently timetabled adoption date of June 2024 for a variety of reasons.

Additional consultation

8.10 Further consideration has been given to the level and depth of public engagement required for preparing the Exeter Plan. This has resulted in an extra draft plan consultation process being built into the programme. Furthermore, consultation on the draft plan stage will run for longer than the six week statutory and corporate requirement as per the Consultation Charter. This process provides a greater breadth of involvement for the public and improves officers' understanding of community issues. It does however mean that the timetable is extended through running longer consultation and spending additional time in preparing consultation activities and assessing responses.

Development strategy and demonstrating deliverability

8.11 The backbone of the emerging Exeter Plan is a review of the Council's current development strategy. This will see a significant move away from the approach in the Core Strategy which identified the majority of development on greenfield, urban extensions at Newcourt, Monkerton and Alphington, to a brownfield dominated approach. The predominantly brownfield strategy will support the Exeter 2040 vision and the priorities in the Corporate Plan relating to the local economy, health and activity, housing and communities, net zero and culture and heritage.

8.12 While the significant and widespread opportunities wholly justify this approach, there are various challenges associated with a brownfield strategy because of the need to deliver on previously developed sites with significant viability and infrastructure needs. Additional time and expertise is required to build the considerable evidence base to support the plan Examination. This evidence will include utilities, transport, land, viability, flood risk and master-planning.

8.13 A firm and deep understanding of these issues is critical to demonstrate the deliverability of the Exeter Plan which will be tested through robust scrutiny at a public Examination. A series of tests of soundness have to be overcome as part of this process. The plan must be demonstrably:

- Positively prepared
- Justified
- Effective
- Consistent with national policy.

8.14 The evidence base will be vital in meeting these tests. Taking the Exeter Plan prematurely to Examination without compelling delivery evidence risks the plan being found unsound.

Additional planning policy work

8.15 Beyond the Exeter Plan itself, the Council is currently progressing four other projects which are broadly running in parallel with the plan; the Article 4 Direction and SPD Review, the Water Lane SPD, the Householders Guide to Extension Design SPD review, and the CIL review. The first three projects were not included within the work programme when the current LDS was prepared but have been progressed subsequently in response to local planning issues and community concerns. These are necessary projects, will add to the body of planning policy to support the achievement of the 2040 Vision and the Corporate Plan and are making significant progress, however they have an impact on the timetable for the Exeter Plan as a result of the resources available.

8.16 There are myriad other projects which the planning team at the Council is progressing, relating to infrastructure planning, funding and delivery, CIL and housing monitoring, responding to appeals, cross-boundary working and responding to new and innovative areas of policy.

Timetable

8.17 It should be noted that although adoption is planned for December 2025, the final draft plan, and the majority of the supporting evidence, would be published in October 2024. The submission of the Exeter Plan is the final plan preparation stage decided by the Council. After this point, the timetable is determined by the Planning Inspectorate who manage the Examination process.

8.18 The principal milestones for preparing the Exeter Plan as set out in the proposed LDS are included below:

- Issues consultation (Regulation 18²): **Complete** September 2021
- Outline Draft Plan consultation (Regulation 18): **Complete** September 2022
- Draft Plan consultation (Regulation 18): October 2023
- Publication (Regulation 19): October 2024
- Submission to Planning Inspectorate (Regulation 22): March 2025

Indicative timetable (determined by Planning Inspectorate)

- Examination including hearings (Regulation 24): June 2025
- Adoption (Regulation 26): December 2025

8.19 This timetable position broadly reflects the approaches taken by our neighbouring Authorities who are pursuing timetables which would see the adoption of their Local Plans in either 2024 or 2025. Continual review of the timetable for a Local Plan is a necessary part of the preparation process. It should be noted that the adoption of the Exeter Plan is scheduled to take place before the deadlines set out in the national planning policy reforms.

Article 4 Direction and Houses in Multiple Occupation Supplementary Planning Document Review

8.20 The Executive approved a review of the Council's Article 4 Direction and associated Houses in Multiple Occupation Supplementary Planning Document (SPD) in November 2021. This follows concerns regarding the impact of student properties in areas close to the University campuses and the receipt of petitions on this matter.

8.21 Work on the Article 4 Review and accompanying SPD started in 2022 and consultation is currently ongoing. The proposed LDS timetable for this work is summarised below.

- Evidence gathering: 2022. **Complete**
- Consultation: May 2023. **Ongoing**
- Further assessment: July - September 2023
- Confirmation of Direction and SPD adoption: December 2023
- Implementation of updated Direction: December 2024

The Water Lane Supplementary Planning Document

² [The Town and Country Planning \(Local Planning\) \(England\) Regulations 2012](#)

8.22 The Water Lane SPD will provide both a development framework and design code for the area close to the canal basin and quayside. This work will deliver on the commitment in the adopted Core Strategy to produce a masterplan for the area. The work is required to steer the development of Water Lane as one of the key strategic brownfield development sites in Exeter. The majority of this site is already allocated in the current Local Plan First Review, is included in the Liveable Exeter initiative and is within the draft Exeter Plan. The area is also subject to a current application at Haven Banks retail park and other significant, emerging proposals. The site provides a tangible opportunity to deliver high quality development and place-making within an attractive waterfront location delivering on the Liveable Exeter principles which were consulted on in the Exeter Plan outline draft in 2022.

8.23 It is vital that the Council manages proposals in the area and sets clear parameters to ensure high quality development comes forward at Water Lane as a flagship site for the city. Preparing the SPD will enable this to happen by supporting the Exeter Plan, helping to steer the development management process and showing commitment to best practice and revisions to national planning policy by proactively pursuing an innovative design code.

8.24 This is a significant project in its own right and has associated resourcing requirements. Some limited additional funding has been allocated through the Liveable Exeter initiative, but further funding is dependent on Government grants which have not yet been announced.

8.25 The proposed LDS timetable for the work on the Water Lane SPD is summarised below.

- Evidence gathering: May – September 2023. **Ongoing**
- Consultation: October 2023
- Adoption: June 2024

Householder's Guide to Extension Design Supplementary Planning Document: Review

8.26 The Householders Guide to Extension Design SPD will provide a review of an existing adopted Council document of the same name. The document identifies the requirements in relation to domestic extensions and alterations and amplifies existing design policies DG1 and DG4 of the adopted Local Plan First Review.

8.27 The review is needed because the current document was adopted in 2008 and the national and local planning context has evolved subsequently. This review will bring the SPD up to date in the context of the Core Strategy and also the emerging Exeter Plan and Liveable Exeter initiative. It will also ensure it aligns with revisions to permitted development rights which have come forward in recent years.

8.28 The proposed LDS timetable for the work on the Householders Guide to Extension Design SPD Review is summarised below.

- Document review: May – September 2023. **Ongoing**
- Consultation: October 2023
- Adoption: June 2024

Community Infrastructure Levy (CIL): Charging Schedule Review

8.29 The Council is currently updating the CIL rates charged on development in the city. This review is needed to reflect changes in the development industry and the local housing market which have taken place since CIL was originally implemented in 2013.

8.30 The Executive considered a report in November 2022 which resulted in consultation on a review of a revised CIL Charging Schedule between December 2022 and January 2023.

8.31 The proposed LDS includes an up to date timetable on this work which is summarised below.

- Evidence gathering: 2021 – 2022. **Complete**
- Consultation: December 2022 – January 2023. **Complete**
- Submit: March 2023. **Complete.**
- Examination hearings: July 2023

Indicative timetable (determined following the outcome of the hearing)

- Implementation: December 2023

9. How does the decision contribute to the Council’s Corporate Plan?

9.1 The revised Local Development Scheme is important for guiding the preparation of new planning policy which will be critical to ensure the delivery of the Council’s Corporate Plan. It will contribute to the aspirations of the Exeter Vision 2040 by helping to establish a robust policy framework which will support growth, shape places and deliver infrastructure and community services.

9.2 Future planning policy, as set out in the revised LDS will help to deliver the City Council’s strategic priorities of a prosperous local economy through improving Exeter as a place to attract investment. It will also provide policies to encourage health and activity in the city and to support place-making which will deliver housing and build neighbourhoods and communities. The emerging policies timetabled in the revised LDS will also support the progress towards a new zero carbon city and enhance the culture and heritage of the city.

10. What risks are there and how can they be reduced?

10.1 There is some risk of slippage on the plan-preparation timetable for the Exeter Plan. This is because of the breadth and volume of policy work being pursued concurrently and as a result of the intricacies and challenges of a brownfield development strategy and the associated evidence requirements. Risk of slippage would increase if additional projects are added to the work programme.

10.2 There is also some level of risk associated with not meeting the requirements of a robust evidence base for the plan. If the evidence is insufficient, the Exeter Plan could be found unsound. If this were to take place, work on another new plan would need start and it would be many more years before that plan were to be adopted. This would have significant implications for the Council's land supply and the weight to be given to local planning policies.

10.3 The Government is currently progressing the Levelling Up and Regeneration Bill together with revisions to the National Planning Policy Framework and the future publication of National Development Management policies. This could have implications for the content of the proposed policy documents and their timetable. These proposals will be monitored to mitigate the potential risks.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- Eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- Advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- Foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty, authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because the preparation of a revised Local Development Scheme is a legislative requirement setting out a timetable of work and does not directly address any equalities issues. An Equalities Impact Assessment has been included in the background papers for Members' attention.

12. Carbon Footprint (Environmental) Implications:

12.1 There are no direct carbon/environmental impacts arising from the recommendation.

13. Are there any other options?

13.1 There are no other options because the maintenance of an up-to-date Local Development Scheme is a statutory requirement.

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-
Current Exeter Local Development Scheme.

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