



**Exeter City Council**

To the Chair and Members  
of the Executive

**Please ask for:** Rowena Whiter

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**Email:** rowena.whiter@exeter.gov.uk

**Our ref:**

**Your ref:**

A meeting of the **EXECUTIVE** will be held in the Rennes Room, Civic Centre, Paris Street, Exeter at **5.30 pm** on **TUESDAY 19 MARCH 2013** to consider the following business. If you have an enquiry regarding any items on this agenda, please contact Rowena Whiter, Member Services Manager on **Exeter 265110**.

**Entry to the Civic Centre can be gained through the Customer Service Centre, Paris Street.**

Pages

## AGENDA

### Part I: Items suggested for discussion with the press and public present

1

#### APOLOGIES

To receive apologies for absence from Committee members.

2

#### MINUTES

To sign the minutes of the meetings held on 22 January and 5 February 2013.

3

#### DECLARATIONS OF INTEREST

Councillors are reminded of the need to declare any disclosable pecuniary interests that relate to business on the agenda and which have not already been included in the register of interests, before any discussion takes place on the item. Unless the interest is sensitive, you must also disclose the nature of the interest. In accordance with the Council's Code of Conduct, you must then leave the room and must not participate in any further discussion of the item. Councillors requiring clarification should seek the advice of the Monitoring Officer prior to the day of the meeting.

4

#### LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985 - EXCLUSION OF PRESS AND PUBLIC

**RESOLVED** that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of items 18 to 20 on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Part I, Schedule 12A of the Act.

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5 **MAJOR GRANTS AND NEW HOMES BONUS PANEL**

To receive and adopt the minutes of the meetings held on 21 and 28 February and 8 March 2013.

(Minutes to follow)

6 **NEW HOMES BONUS LOCAL INFRASTRUCTURE FUND CRITERIA**

To consider the report of the Projects and Business Manager. 1 - 4

(Report circulated)

7 **SUSTAINABLE TRANSPORT SUPPLEMENTARY PLANNING DOCUMENT**

To consider the report of the Projects and Business Manager. 5 - 24

(Report circulated)

8 **EXTENDED OPENING FOR CIVIC CENTRE-BASED COUNCIL SERVICES**

To consider the report of the Assistant Director Business Transformation. 25 - 28

(Report circulated)

9 **CHARGING PROTOCOL FOR WASTE RECEPTACLES**

To consider the report of the Assistant Director Environment. 29 - 36

Scrutiny Committee – Community considered the report at its meeting on 5 March 2013 and comments will be reported.

(Report circulated)

10 **ENERGY WORKS 2013/14**

To consider the report of the Assistant Director Housing and Contracts. 37 - 38

Scrutiny Committee – Community considered the report at its meeting on 5 March 2013 and comments will be reported.

(Report circulated)

11

**EMPTY HOMES ENFORCEMENT**

To consider the report of the Assistant Director Housing and Contracts. 39 - 50

Scrutiny Committee – Community considered the report at its meeting on 5 March 2013 and comments will be reported.

(Report circulated)

12

**PREPARATION OF KNOWLEDGE ECONOMY STRATEGY 2013-2018**

To consider the report of the Assistant Director Economy. 51 - 54

Scrutiny Committee – Economy considered the report at its meeting on 7 March 2013 and comments will be reported.

(Report circulated)

13

**CITY CENTRE BUSINESS IMPROVEMENT DISTRICT**

To consider the report of the Assistant Director Economy. 55 - 58

Scrutiny Committee – Economy considered the report at its meeting on 7 March 2013 and comments will be reported.

(Report circulated)

14

**PRODUCTION OF PROMOTIONAL VIDEO**

To consider the report of the Assistant Director Economy. 59 - 60

Scrutiny Committee – Economy considered the report at its meeting on 7 March 2013 and comments will be reported.

(Report circulated)

15

**EXETER ST JAMES FORUM NEIGHBOURHOOD PLAN**

To consider the report of the Assistant Director City Development. 61 - 90

(Report circulated)

16

**LORD MAYORALTY**

To nominate the Lord Mayor Elect and the Deputy Lord Mayor Elect for the 2013/14 Municipal Year.

17 **APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES**

To consider the appointment of representatives to serve on the outside bodies set out in the schedule. 91 - 92

(Schedule circulated)

**Part II: Items suggested for discussion with the press and public excluded**

No representations have been received in respect of the following items in accordance with the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

18 **EXETER SCIENCE PARK**

To consider the report of the Strategic Director (KH) updating Executive on progress in developing the Science Park and seeking approval to a variation in the financial arrangements previously agreed. 93 - 98

(Report circulated to Members)

19 **EXETER AND HEART OF DEVON GROWTH BOARD MINUTES**

To note the minutes of the Exeter and Heart of Devon Growth Board meeting held on 22 January 2013. 99 - 106

(Minutes circulated to Members)

20 **EVOLUTION OF THE COUNCIL'S TOP MANAGEMENT STRUCTURE**

To consider the report of Martin Denny, Principal Consultant, Local Government Association on a review of the Council's top management structure. 107 - 112

(Report circulated to Members)

**DATE OF NEXT MEETING**

The next scheduled meeting of the Executive will be held on **Tuesday 9 April 2013** at 5.30 pm in the Civic Centre.

***A statement of the executive decisions taken at this meeting will be produced and made available as soon as reasonably practicable after the meeting. It may be inspected on application to the Customer Service Centre at the Civic Centre or by direct request to the Member Services Manager on 01392 265110. Minutes of the meeting will also be published on the Council's web site as soon as possible.***

**Membership -**

Councillors Edwards (Chair), Denham, Fullam, Hannaford, Mrs Henson, Martin, Sheldon and Sutton

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<http://www.exeter.gov.uk>. This will give you the dates of all future Committee meetings and tell you how you can ask a question at a Scrutiny Committee meeting. Alternatively, contact the Member Services Officer on (01392) 265115 for further information.

**Individual reports on this agenda can be produced in large print on request to Member Services on 01392 265111.**

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## EXETER CITY COUNCIL

### MAJOR GRANTS & NEW HOMES BONUS PANEL

21 FEBRUARY 2013

### EXECUTIVE

19 MARCH 2013

### NEW HOMES BONUS LOCAL INFRASTRUCTURE FUND – REVIEW OF CRITERIA

#### 1. PURPOSE OF REPORT

- 1.1. This report begins the review of eligibility and evaluation criteria for the New Homes Bonus Local Infrastructure Fund.

#### 2. REVIEW OF CRITERIA

- 2.1. Members have previously asked for a review of the eligibility and evaluation criteria to be carried out after one year (the first grants were awarded at a Panel meeting in June 2012). If Members are able to decide now what changes they would like to see, those can be ratified by Executive on 19 March 2013, and applicants can be advised in advance of the 30 April deadline for the next bidding round.
- 2.2. If however more detail needs to be worked up by officers, a further report will need to be presented to the Panel on 13 June, with the changes effective for the bidding round that closes on 31 July. This would however enable officers to forewarn prospective applicants of likely changes to the scheme, in advance of those changes taking effect.

#### 2.3. Financial limit on bids

The limit on applications could be reduced from one fifth of the fund (currently £50k) to a lower limit, say £30,000. This would potentially spread the money more widely, but might rule out some of the larger projects. It might therefore result in a decrease in the number of applications. Members need to consider whether this would conflict with the underlying purpose of the scheme, or whether it would actually encourage more of the sort of applications that were originally intended.

#### 2.4. Subsequent years and repeat applications

- 2.4.1. The scheme rules allow bids for the current and subsequent years. However, the website information points out that to date, no applications have been granted to cover more than one year, and applications for successive years are only likely to be entertained in exceptional circumstances.
- 2.4.2. As a result, repeat applications are now expected from organisations that have already received a grant from the fund. More recent applicants have been advised that this may not be allowed in future.
- 2.4.3. Members are asked to consider whether to introduce a formal rule that applications can cover only one financial year. They should also consider whether successful applicants should be allowed to bid again.

2.4.4. Unsuccessful applications are allowed to try again the following year. It is felt that this should be retained, so as to allow a second chance to applications of merit which are turned down solely for lack of funds.

## 2.5. **Revenue bids**

Bids for revenue funding are allowed under the scheme, but the information on the website makes it clear that this is intended to provide pump-priming funds rather than open-ended support. The distinction between capital and revenue is often blurred in practice, so it is felt that the possibility of revenue funding should be retained on these terms.

## 2.6. **Council strategy**

Applications to date have been geographically random, and Members are asked to consider whether the evaluation criteria should favour parts of the city where new development is concentrated, as this is what the New Homes Bonus is intended to address. Members are also asked to consider whether the evaluation criteria should include reference to consistency with a Council strategy, and if so what. It may be desirable, for example, to identify gaps in the provision of community facilities, and favour applications which seek to plug those gaps, rather than make additional provision in well-served areas. There may also be a case for relating bids to planning policies, including those in neighbourhood plans. In practice the range of Council strategies is so diverse that it might be necessary to write a brief policy statement purely for the purposes of this funding stream. If the other changes are introduced for the April bidding round, this element will need to be postponed until the July round to enable the policy statement to be written and approved by Members.

## 2.7. **Sharing premises**

Members may wish to give added weight to projects that are the result of collaboration between community groups. For example, officers have been approached by 2<sup>nd</sup> Exeter Scouts, who are considering options for their substandard hut in Heavitree, including refurbishment, rebuilding, or the possibility of working with other groups on a new combined facility. The Council have put them in touch with Parklife and the local Lawn Tennis Association who are already in discussion with our Parks service about a joint facility in Heavitree Recreation Ground. This seems to be the sort of collaboration that the Council ought to be encouraging, rather than individual groups developing facilities in isolation, sometimes competing in the same market for room hire. If Members agree, support for this principle could be included in the policy statement.

## 2.8. **Council services**

The rules state that the fund is intended for new initiatives, not to replace other withdrawn public sector funding. The website information points out that Members have indicated that they do not consider this an appropriate source of funding for something which would normally be provided by the City or County Council as part of its normal service delivery. (The current applications for Bury Meadow and Devonshire Place were worked up before Members had expressed this view.) This would effectively rule out grants for environmental enhancements. Members need to be aware of this when considering whether to make this a formal rule of the scheme, and perhaps make exception where the project is specifically in accordance with the proposed policy statement.

2.9 Officers have resisted applications where a more suitable Council funding stream exists (such as grants for the arts), even if the fund is oversubscribed. Members are asked to consider whether this should be embodied in a formal rule of the scheme.



### **3. RECOMMENDATION**

- 3.1. That Members consider options for reviewing the eligibility and evaluation criteria, in particular:-
- a) Should the upper limit for applications be reduced, say, to £30,000?
  - b) Should applications be limited to one financial year?
  - c) Should repeat applications by successful applicants be disallowed?
  - d) Should revenue bids continue to be entertained, on the strict understanding that they are for pump-priming only?
  - e) Should grants favour areas of the city where new development is concentrated?
  - f) Should officers prepare a policy statement based on existing Council strategies, to assist in the determination of applications?
  - g) Should applications be favoured where they are the result of collaboration between organisations?
  - h) Should the scheme rules exclude projects which would normally be provided by the City or County Council as part of normal service delivery, unless specifically supported by the policy statement?
  - i) Should the scheme rules exclude projects for which a more appropriate City Council funding stream exists?
- 3.2 That Executive be recommended to introduce the revised criteria for the bidding round that closes on 30 April 2013, with the exception of e) which will require preparation and approval of a policy statement.

**ROSS HUSSEY**  
**PROJECTS AND BUSINESS MANAGER**

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## EXETER CITY COUNCIL

### PLANNING MEMBER WORKING GROUP 5 FEBRUARY 2013

EXECUTIVE  
19 MARCH 2013

#### SUPPLEMENTARY PLANNING DOCUMENT ON SUSTAINABLE TRANSPORT

### 1 PURPOSE OF REPORT

- 1.1 This report informs Members of the outcome of the consultation on a draft Supplementary Planning Document (SPD) on sustainable transport, which was carried out in November and December 2012. It recommends adoption of a revised draft as part of the Council's Local Development Framework (LDF), and revocation of the Supplementary Planning Guidance (SPG) on car clubs which is superseded by the new SPD.

### 2 BACKGROUND

- 2.1 The Council is in the process of preparing its LDF which, once complete, will supersede the Exeter Local Plan First Review, adopted in 2005. The LDF comprises a suite of documents, divided into:-
- Development Plan Documents (DPDs) such as the Core Strategy, adopted in February 2012, which contains strategic policies, and the Site Allocations and Development Management DPD which is currently published in draft for consultation; and
  - Supplementary Planning Documents (SPDs) which are not subject to independent examination but will have full public consultation, an example being the Residential Design SPD adopted in September 2010.
- 2.2 The Council's Local Development Scheme sets out its proposals in relation to other elements of the LDF. These include an SPD to "clarify and amplify policy relating to the provision of sustainable transport". A draft was approved by Executive on 2 October 2012 as a basis for public consultation, which took place during November and December 2012.

### 3 THE CONSULTATION

- 3.1 Notice of the consultation was sent to almost 1000 organisations and individuals, most of whom were on the Council's consultation database, plus a selection of other people and groups with whom the Council has dealings in relation to transport issues.
- 3.2 24 responses were received, ranging from comments on a single issue, to a more comprehensive response to the document as a whole. Appendix A comprises a table of comments received, and the Council's proposed response, and Appendix B is a revised draft showing textual amendments proposed as a result of the consultation.
- 3.3 Significantly, none of the comments received challenged the desirability of promoting sustainable transport. When the draft SPD was originally presented to Members, concerns were raised by some of them that the cumulative requirements of our

planning policies risked making development unviable; however, no such concerns were expressed in response to the consultation.

- 3.4 On the contrary, some comments from interest groups indicated that the SPD should have gone further in promoting the particular form of transport in which they were interested, or in discouraging use of the private car. A few representations questioned the ability of our sustainable transport policies to cater for the growth that is planned for Exeter, and in one case challenged the assumption that such growth would or should occur. This was one of a number of examples where a respondent raised an issue outside the scope of the SPD (namely the strategic housing allocations contained in the Core Strategy); another example was the potential for a congestion or workplace parking charge.
- 3.5 Many of the comments were detailed and constructive, which explains the large number of minor amendments proposed to the document. Its thrust, however, remains unchanged, and Members are asked to agree the form of the document for adoption, as a valuable tool in achieving the Core Strategy's objectives, including a step change in the use of sustainable transport.

#### **4 NEXT STEPS**

- 4.1 If Executive resolves to adopt the SPD, it will be made available for inspection at Customer First for a period of three months. It will also be placed on the Council's website. Those who commented on the draft will be notified of the adoption.
- 4.2 Chapter 11 supersedes the Car Club SPG adopted in 2005, and revocation of this SPG is therefore recommended to coincide with adoption of the SPD.

#### **5 RECOMMENDED**

- 5.1 That Planning Member Working Group support the revised draft Sustainable Transport SPD.
- 5.2 That Executive approve and adopt the revised draft Sustainable Transport SPD as part of the Local Development Framework.
- 5.3 That Executive revoke the Car Club SPG.

Ross Hussey  
Projects and Business Manager

### **CITY DEVELOPMENT**

#### **Local Government Act 1972 (as amended)**

#### **Background papers used in compiling this report:-**

Responses to consultation

**APPENDIX A - SUSTAINABLE TRANSPORT SPD – RESPONSE TO REPRESENTATIONS**

Chpt/para	Respondent	Comment	Response
1	Transition Exeter	<p>In summary, we agree with the underlying principles, as set out in Section 1 (especially 1.3.2); the emphasis throughout on making walking, cycling, buses convenient and attractive; and requiring greater cycle parking in the city. Transition Exeter’s Transport Group welcomes this report and its recognition of the need to move towards more sustainable forms of travel within, to and from the city. (e.g. Planning development around the motorist, to the exclusion of other modes, makes development inaccessible to a significant proportion of the population)</p> <p>However, we question whether the scale and rapidity of the developments now taking place can be met by minor additions and changes to existing infrastructure. In our view a further 20,000 residents in the area will put immense pressures, especially towards the city centre whose existing highway and street networks will not be able to cope with a rise of 25% road traffic growth.</p> <p>Currently about 45,000 passengers are carried daily by buses in the Exeter area. If a further 10,000 - 12,000 are added to this total, will the kinds of proposals outlined in this paper (e.g. 10.4.2) be adequate to manage this kind of capacity change?</p> <p>We welcome the ambition for a more radical change in public transport provision which will be required (e.g. a step change in the quality, capacity and environmental performance of public transport, especially between the City Centre and proposed developments adjoining the City to the east in East Devon and to the south west in Teignbridge 3.1.3.). But the detail of what this might mean is missing. Talk a few years ago of a High Quality PT route turned out to be an illusory</p>	<p>Support welcomed.</p> <p>The strategic housing allocations for Exeter have already been set by the Core Strategy, which was informed by a series of <a href="#">transport studies</a> prepared by DCC. This SPD is designed to help ensure that the transport strategies proposed in those studies are implemented.</p> <p>The Exeter Growth Bus Strategy (see para 3.10.1 of the SPD) has been prepared by DCC in discussion with, and with the approval of, Stagecoach as the major operator in and around the city.</p> <p>More detail appears in the studies referred to above, in particular the Exeter Growth Bus Strategy and “Enhancing the Public Transport System...”.</p>

		<p>laser-optic guided bus service, which may operate well on Greenfield sites, but not realistic in the narrow radial corridors in central Exeter, without major alterations to highways. As this step change is so central to much of the Consultation (and other transport policies), we would ask for more detail in these proposals so they can be assessed. Where is the resource base for providing for such aspirations?</p> <p>We see the need for a holistic (integrated) city centre travel strategy, from which a traffic management strategy would be derived, the lack of which has been highlighted by the recent changes to Paris Street and Sidwell Street, and the lack of anticipation and responses to the problems generated by the consequent diversions.</p> <p>We note with regret the absence of any serious discussion on congestion pricing or an analysis of the economic and ecological damage brought about by excess traffic in the streets of historic cities and which undermine moves towards sustainability.</p> <p>One critical issue for us is not to go ahead with new developments until public transport or cycling infrastructure is in place, but recent experience in Exeter has been very inconsistent in this approach. We already have significant</p>	<p>The example of Paris Street / Sidwell Street in fact demonstrates that incremental changes are preferable to the introduction of a geographically wide-ranging package of changes at the same time. As demonstrated by the previous changes to Paris Street, any initial problems can be addressed and resolved relatively quickly.</p> <p>The SPD is based on a presumption, unchallenged by any of the representations received, that promotion of sustainable travel modes is desirable and necessary to serve the growth that Exeter is set to experience. An analysis of the kind proposed by Transition Exeter would not have changed that presumption. If congestion pricing were to be proposed, it would have to be through a higher level of policy than this SPD. The absence of support at government level makes this difficult or impossible for local authorities to achieve on their own.</p> <p>Unfortunately this is a feature of the way public transport in this country is financed. Paragraph 10.2.5 is designed to address this as far as possible.</p>
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		<p>new housing in areas such as Newcourt and Cranbrook with no bus service in place. In these cases new residents have no alternative but to use cars and these are already adding to air pollution, congestion and carbon emissions in the city. The timing of new stations and services is so important in relation to new developments. One would not expect utilities to wait until people move in to an area, and we would argue that public transport especially should be treated with more seriousness.</p>	
1.3	Low Carbon Task Force	<p>Finally, this consultation paper does lack detail and yet it is in detailed implemented plans that sustainable transport is made a reality, or not. We welcome the general broad brush approach but effectiveness will have to be judged by results. In particular, whether the plan actually reduces the need to travel, which has to be a primary goal, and whether there is a significant change in travel mode away from individualised driving, is yet to be seen. Submitted a recent study on Traffic Demand Management produced for a modern Chinese city.</p>	<p>We consider the SPD is detailed, for example it provides checklists for applicants, and detailed model conditions. By its own admission (1.1.1), it is based on the premise that development generates a need to travel. Reduction in travel demand depends on many factors outside the scope of this document.</p>
		<p>Given the carbon reduction imperative which has been recognised by successive governments, it is surprising that this section makes no reference to the need for sustainable transport to be promoted, to help contain and then reduce the carbon footprint of transport. Transport accounts for 20% of the country's total carbon emissions and the level of emissions has been growing inexorably. The effective promotion of low carbon modes of transport could have a major impact on this.</p>	<p>Agreed. See now 1.3.3.</p>
1.3.3 (now 1.3.4)	BRE Global	<p>Supports comment that sustainable transport solutions are easier and cheaper to achieve if addressed at the masterplanning stage. Commends BREEAM Communities 2012 to us.</p>	<p>Support welcomed.</p>

2	ECC Environmental Improvements Officer	Planning guidance including Manual for Streets is being reviewed by Lord Taylor. This may impact on this chapter and the document as a whole.	Lord Taylor's recommendations include retaining Manual for Streets for the time being, although in the longer term it is said not to be needed in its current format. This SPD has been written so as to be consistent with the NPPF, which is expressly outside the scope of the review; therefore it is not proposed to delay adoption of this SPD.
2	Low Carbon Task Force	As above, there should be a reference to carbon reduction and to air quality as part of the national policy context. Para 30 of the NPPF states that 'encouragement should be given to solutions which support reductions in greenhouse gas emissions', so a brief reference to this is justified. Concerned about Countess Wear roundabout accommodating traffic from Newcourt.	Agreed. See now 2.1.2.
3.1.8	Mrs Norton	Whole document founded on false premise that development must happen to the south west of Exeter. Urban extensions and Cranbrook will increase population of city by nearly 50%, and local authorities have paid insufficient regard to enormous increase in infrastructure required. <ul style="list-style-type: none"> <li>• Roads into city overloaded an pollution above acceptable limits.</li> <li>• Peamore park and ride and/or extended bus routes won't move sufficient people out of cars; nor will walking and cycling because it is too far.</li> <li>• Marsh Barton station unlikely to happen until 2018; problems with funding, compulsory purchase and timetable space.</li> <li>• Chudleigh, Dawlish and Shillingford Roads must be engineered to discourage traffic.</li> </ul>	The SPD is intended to promote the use of sustainable transport, and thereby enable development to take place without exacerbating congestion.
3.1.8	Mr York		The housing land within the Exeter boundary was allocated by the Core Strategy, and it is anticipated that the housing land within Teignbridge will be allocated by that Council's Local Plan. This SPD has to be set in that context. It is intended to promote the use of sustainable transport, and thereby enable development to take place without exacerbating congestion. Park and ride, bus services and the rail station are all components of a package designed to reduce car use in the city, and no single element is expected to provide a complete solution on its own. The road links referred to by Mr York are not proposed; it is outside the scope of this document to propose them, and Chapter



		<ul style="list-style-type: none"> <li>• Need another river crossing, perhaps at St Davids station.</li> <li>• Not sensible to construct housing bisected by A379 in its present form; could be pass by new link from Matford roundabout to M5 at Exminster.</li> </ul>	<p>12 simply summarises proposals which already exist.</p> <p>Engineering solutions to discourage traffic, funded by developer contributions, are supported by paragraph 9.2.1 of the SPD.</p>
3.9.1 to 3.9.3	Exeter Civic Society	<p>Bullet points of Exeter Strategy all acceptable. However, reorganisation of traffic in the centre of Exeter has caused problems which are not solving themselves as well as DCC expected.</p> <p>Monitoring of Cowley Bridge Road, New North Road, Bonhay Road, Blackall Road, York Road, Summerland Street, Sidwell Street and Paris Street must be seen to continue, and some changes may need to be considered. For example, buses should not be expected to negotiate the sharp turns from New North Road into Longbrook St and then into York Road. To enable them and incoming cars to use Blackall Road, widen carriageway by removing pavement on south side between prison and Howell Road.</p>	<p>Support welcomed.</p> <p>Issues caused by previous development are outside the scope of this SPD although they have informed its production. The specific issues mentioned will continue to be monitored and, where appropriate, addressed.</p>
3.9.3	Transition Exeter	<p>LTP3 speaks of the need for 'demand management measures such as workplace parking'. We would agree with this assessment and funding for travel planning, but do not find sufficient detailed information in this document. How and where may workplace charging be introduced? Will income raised be hypothecated (ring-fenced) and how will it be used to subsidise new services and facilities? Can we look too far out-of-town car park charging to be used to the same ends? (which we would also support)</p>	<p>The reference in LTP3 envisages money being reinvested in the transport system. The principal mechanism for charges is likely to be through travel plans, so a reference has been included in 8.1.3.</p> <p>The mechanism is most likely to be used at workplaces, but could potentially apply at other types of development.</p>
3.10	Mr Read	<p>In favour of providing walking routes along desire lines, and safe road crossings for pedestrians. Lists a number of locations where he feels this is not the case at present.</p>	<p>Support welcomed. He has been sent a written reply in relation to his specific examples.</p>
3.11	ECC Environmental	<p>Need to explain that the AQAP is under review and the new version should be published in early 2013. In recognition of</p>	<p>Agreed. See now 3.11.2.</p>

	Health	<p>the fact that goods vehicles produce a higher proportion of total emissions than their proportion in total traffic flow would suggest, the AQAP2 will aim particularly to reduce emissions from these vehicles.</p> <p>May also want to also mention that part of the AQAP2 will be to develop a Low Emissions Strategy for the city.</p>	
4.1.1	ECC Environmental Improvements Officer	<p>Levels can be an issue on development sites in Exeter. Should recognise that there are instances where best practice requirements (for gradients etc) cannot be met and that developers should take reasonable measures taking into account underlying topography, a common sense approach to design of the public realm and the use of reasonable measures to accommodate all people.</p>	Agreed. Included as new paragraph 4.1.3, with cross reference in 4.1.1.
4.1.1	Mrs Lant	<p>First bullet point should refer to the needs of visually impaired people; also 8<sup>th</sup> bullet re entrances etc. Steps, railings etc enable visually impaired people to tell where they are; although if badly placed they create obstacles. Edge of steps should include a white line. Customer information systems should be easy for visually impaired people to locate, and include an audio facility.</p>	Agreed. Reference to the needs of visually impaired people included in bullet points 1 (footpaths), 4 (street furniture) and 8 (entrances etc). Bullet point added re customer information systems being easy to locate and use for people with all disabilities.
5	Transition Exeter	<p>We welcome the identification of Cycle Parking standards (Section 5) although we view the minimum standards as too low and would prefer the city to take a more robust stance on this. The problem with the table (Table 2) used is that some properties will be more suited to cycling because of their location and accessibility than others, and some sites (e.g. University) will attract residents more capable of regular bike use because of their age.</p>	<p>The standards are expressly minima and 5.1.3 says that applicants should consider providing more if the site is favourably located for cycling. The standards are based on evidence from:-</p> <ul style="list-style-type: none"> <li>• workplace surveys: staff numbers, parking provision and how well used it is;</li> <li>• visual surveys of provision and use of cycle parking, especially at supermarkets and retail parks;</li> <li>• ECC “Wavelength” survey to establish the extent to which lack of cycle parking is a barrier to cycling.</li> </ul>

		<p>Additionally, we call for the development of more route networks for cycling and walking, tying that in to the possibility of using the Park and Ride sites for change to any mode of travel in particular cycling onwards into the city centre, and so on.</p> <p>The potential of cycling in conjunction with rail and bus use is not referred to in this section, which we believe is an oversight. Our own view is that some bikes could be taken on buses, as is common in European countries and in the United States, and was formerly the case on the Truro bus company; although this is currently considered unduly hazardous by the operator Stagecoach in the SouthWest. A trial on a commuting bus route might help to test feasibility.</p> <p>We think there is great potential for 'cycle and ride' for those who may not want to cycle long distances or feel the whole journey by bicycle is too far. I would favour a series of high quality, covered and secure cycle parks at important PT junctions/hubs. This would be a crucial aspect of the enhanced Devon Metro as well.</p>	<p>See Exeter Walking and Cycle Strategies, referred to at 3.10, also for example 9.2.5 and 10.1.1. Existing park and ride facilities can be used in conjunction with cycling.</p> <p>Cycle facilities (casual and secure storage, and hire) are already being developed, particularly at stations in conjunction with train operators; it is not considered necessary to elaborate on this in a document aimed at developers.</p> <p>Buses in Exeter are too well-used and subject to time constraints to expect the operator to carry bikes, even if the physical and/or legal issues could be overcome.</p>
5	University of Exeter	<p>Welcomes the comprehensive guidance on cycle parking and facilities. Meaning of "secure" needs to be clarified, because some locations under natural surveillance may be sufficiently secure without a lockable enclosure. This needs to be assessed on a case by case basis.</p>	<p>Agreed. Clarified in 5.3.1 that an open facility for staff will only be acceptable if well overlooked at all times it is likely to be used.</p>
5.2.1	Mrs Norton	<p>Supports need for garages to be wide enough for modern cars, and enable bicycles to be taken in and out with car in situ.</p>	<p>Support welcomed.</p>
5.5	CTC Right to Ride	<p>Question the dimensions in the linked ready reckoner for calculating cycle parking. Firstly, I don't think the 1m aisle width is adequate to allow bikes to be turned into racks. Secondly, is the 1.2m width between stands adequate to allow bike rider to squeeze between two other bikes to</p>	<p>These measurements are the minimum that will work, because the purpose of the calculator is to establish how many bikes can be parked in a given space, using an easy, secure and uncomplicated storage system. A note has been</p>

5 and 6	Transition Exeter	<p>reach back of store when b is 3.5m long. I suggest limit b to 1.75m long. Front aisle width should be increased from 1m to at least 1.8m (reference Cambridge Cycle Parking Guide)</p> <p>Tables 2, 3 and 4 would be much easier to assess if the cycle and car parking lists followed the same categories and scale of measurement.</p>	<p>added to the calculator to indicate that they are minimum standards.</p>
		<p>Table 2 – Cycle Parking suggests that the requirement can be reduced for retirement homes if age &gt;60 – but this parking is for staff as well as residents and older people need more staff so the reduction seems inappropriate.</p> <p>Questions whether parking standards for workplaces are enough, and what are they based on.</p>	<p>Cycle parking standards are being retained as minima, therefore Table 2 has been reviewed using an evidence-based approach. However the former maximum car parking standards are being retained purely as indicative standards (except for those for disabled users, which remain as minima), so they have not been reviewed.</p> <p>Retirement apartments: staffing is typically low, with one home manager serving a large number of flats.</p>
6	University of Exeter	<p>Welcomes the comprehensive guidance on car parking requirements; also the flexibility resulting from the standards in Table 3 being indicative not maxima. In tandem with a strong travel plan and other proposals in the University's Masterplan Framework, this is likely to allow more flexibility, so preventing parking constraints being a hindrance to economic prosperity and job creation.</p>	<p>Workplaces in the city were surveyed for amount of cycle parking, numbers of staff, and usage made of cycle parking.</p> <p>Support welcomed.</p>
6	ECC Environmental Improvements Officer	<p>Census data (due by end of Jan 2013) should provide up to date information on car ownership in Exeter, which could inform this chapter and provide more accurate guidance on car parking requirements in new developments. (The data should be able to be broken down on a ward basis, and according to household size/type, so we can compare car ownership in city centre with more peripheral locations). This</p>	<p>As the former maxima are being retained purely as indicative standards, they have not been reviewed. Paragraphs 6.2.1 and 6.2.2 have been reordered and 6.2.2 amended to make this clear. However, the census data will be examined for relevance to 6.3 (Car free developments.)</p>

		could then be reflected in the SPD and the Site Allocations and DM DPD.	
6	Transition Exeter	<p>Asked whether any analysis was available on parking requirements for retail development in city centre/edge of centre/out of town locations.</p> <p>We believe Car Parking strategies need to be accompanied by a stronger disincentives for car use, and in particular co-related to equivalent bus fares. It should not be cheaper to park than to use the bus for parallel single person return journeys.</p> <p>We support car-free developments and look to the first of these to be developed in Exeter and applaud the use of car sharing through car clubs such as Exeter Co-Cars (Section 11). We believe that all new developments of 50 dwellings or more (whether 'car-free' or not) should include a car club, funded by the developer, and again in place before the dwellings become occupied. New occupants could receive discounts on first year's usage, again funded by the developer. This could act as a major incentive to new occupants to enable them to feel confident/secure living there without owning a car.</p>	<p>Again, as the standards are being retained as indicative only, they have not been subject to rigorous examination.</p> <p>This would be impossible to achieve, because parking charges relate to length of stay regardless of distance travelled, whereas public transport fares relate to length of journey regardless of stay.</p> <p>Support for car clubs is welcomed. The suggested one car per 50 dwellings is too high for most locations; see response from Co-Cars to 11.2.4. Car clubs need to be complemented by other sustainable transport measures, hence their suitability for inclusion in travel plans; see 8.1.3.</p>
6.2	Mrs Lant	Some parking spaces for disabled users need to be wider.	There is already a cross-reference to 4.1.1; reference to dimensions of spaces now included.
6.3.1	Mrs Lant	Residents' Parking system needs to remain accessible to people who don't use the internet.	A practical matter for DCC outside the scope of this SPD; comment has been forwarded to them.
6.3.2	Transition Exeter	The requirement to contribute to the enhancement of facilities for public transport, cycling and pedestrians (6.3.2) should apply to all developments, not just car-free.	See Chapter 9.
6.5.1	Co-Cars	Provision of an electric charging point as part of a car club provision (see section 11) in a new development, whether business or residential would create a wider network and faster. Co-cars are happy to manage and look after the	If this refers solely to points for car club vehicles, see Chapter 11. If Co-Cars mean that the SPD should be more prescriptive in relation to charging points generally, it is difficult to justify

		electric points, and are aiming to introduce electric / hybrid cars. Co-cars believe the policy could be stronger in stating this are a requirement maybe in the large developments, or as an optional second car.	anything beyond the current future-proofing approach, as it is not known what the uptake of electric vehicles will be.
6.5.1	Low Carbon Task Force	Welcomes the encouragement of provision for electric vehicle charging. Suggests that public facilities ( including car parks) should be added to the list in the last sentence of this paragraph. Amend model conditions in section 6.8 to give some greater focus to efforts to include charging points within the approvals for forthcoming major developments.	Public parking now included in 6.5.1. Charging points included in model condition in 6.8.1, but optional for the same reason as set out above.
6.6.2	Mrs Lant	Car parks need walkways for people to get between parking spaces; also taxis need to be able to get close to the entrance to premises, to assist customers with disabilities.	Agreed and included.
6.6.2	Transition Exeter	“Shops and offices should be designed and located so that their front entrances are directly off main streets, not involving a long walk across a car park.” Should this not also apply to other buildings: hotels, schools, health centres, community centres, etc.?	Agreed; changed to “premises”.
7	ECC Environmental Improvements Officer	Relate more explicitly to Residential Design SPD context appraisal chapter.	Agreed; reference included in 7.1.2.
7.1.1	Mrs Lant	There needs to be a mechanism for informing visually impaired people know when pedestrian routes are going to change as a result of development.	This is not really a matter of planning policy. The practicality of achieving this will be discussed with DCC.
7.2	Low Carbon Task Force	Need to be more positive on the general merits of connectivity. The wording is at present a bit neutral, but connectivity for bus, bike and walk should be a fundamental design principle.	Agreed; now included in 7.1.2.
7.2.1	ECC Environmental Improvements	Text should include reference to ensuring development makes short and direct connections to local facilities, walking/cycling routes, bus stops and train stations.	This is in paragraph 9.2.5.

8	Officer Exeter Civic Society	Travel plans for residential and workplaces need to be specified in detail at an early stage as part of a planning application.	Requiring the detailed plan prior to occupation is considered appropriate. Travel plans prepared too early in the process tend to be generic in form with insufficient practical detail.
8	Transition Exeter	We agree very much with the principle of Travel Plans but remain slightly critical as to whether they are sufficiently adhered to, monitored or enforced.	Support welcomed. Model condition at 8.3.1 includes reference to monitoring and review. Enforcement is constrained by resources but does happen, at least on a reactive basis.
8.1.3	DCC	Replace "season tickets" with "bus tickets".	Replaced with "bus or train tickets".
8.1.3	University of Exeter	Need to acknowledge the potential tax implications of providing bicycle vouchers or season tickets, which might be a deterrent.	Agreed; included in footnote.
8.1.3	Transition Exeter	The discussion of travel plan contents (8.1.3.) should be strengthened: less 'is likely to', 'may', and more 'will'. (Travel packs, 8.1.4, is better).	Travel plans need to suit the individual development and there is no "one size fits all solution", therefore the list of contents is not prescriptive.
8.1.4	Mrs Lant	Travel packs need to be available in different formats.	This has already been raised with DCC following the EQIA, and reference has now been included in 8.1.4.
9	Exeter Civic Society	Identification of transport improvement is necessary from the earliest stage so that developers realise the extent of their commitment, event when contemplating purchase of the site and evaluating costs.	All ECC planning policies are publicly available, in addition to which the Council has a protocol for major applications, whereby prospective developers can obtain pre-application advice.
9	Simon Lloyd	Need to do more to encourage cycling: install more cycle routes; also close streets on Sundays for family cycle days.	Cycle routes are referred to in 9.2.5 and 10.1.1, for example. Occasional street closures are outside the scope of this SPD.
9.2.1	Transition Exeter	'Contributions may be required for roads', should include a reference to meeting the needs of cyclists – cyclists mentioned in 9.2.5 but cyclists are road users alongside cars and roads design needs to account for them e.g. cycle paths, signage, links to primary and secondary cycle networks.	This is covered in chapter 10 which relates to on-site roads constructed by developers. Off-site roads funded by developer contributions will normally be constructed by DCC who will determine the design.

9.2.3	Transition Exeter	In our view the role of rail for the city is still not realised, but we applaud the decision to construct 3 new stations (noting in passing that these have been proposed in planning developments for the city since the 1970s but still not built!). The potential for the Devon Metro is beginning to be recognised and extra investment in infrastructure and rolling stock is essential. We hold that this concept could be extended through better integrated transport and ticketing—linking of trains, buses, cycles and taxis, and will outline our views on this our forthcoming 10 point plan 'Devon Metro Plus' to be published in 2013.	Support welcomed. ECC and DCC are engaging with the rail industry with a view to securing more investment in rolling stock and infrastructure. Smart and integrated ticketing is developing nationally and locally; it is not something over which developers have any influence, hence its omission from this SPD.
9.2.4	Transition Exeter	The wording 'may be required' is weak in this context. The provision of enhanced services in the future will necessitate better travel facilities, including realistic and reliable information. It will also need new bus priority measures and their implementation. It is clear that existing bus lanes are abused and this detracts significantly from any step change to better bus services.	Whether and for what purpose financial contributions are sought will depend on the location and circumstances, therefore the wording is appropriate and consistent with all subparagraphs of 9.2.
9.2.4	Mrs Lant	Electronic displays should include audio for visually impaired people.	4.1.1 has been amended to say that information systems should, wherever practicable, be easy for all disabled users to locate and use. It would not be possible to require audio as a mandatory planning requirement.
10	Exeter Civic Society	This section should include access requirements for emergency vehicles and refuse collection.	Agreed; added to 10.2.1.
10	ECC Environmental Improvements Officer	Relate more explicitly to Residential Design SPD context appraisal chapter.	Agreed; added to 10.2.1.
10	Transition Exeter	Support the concept of a Hierarchy of Streets. Ask how this will be implementable to existing road networks.	As with much of the SPD, it is directed at new development rather than existing networks.
10.1	ECC	Add 'Making Connections' section here to state at the start of	Inserted in 10.2.6.



10.2.4 – 10.2.6	Environmental Improvements Officer Transition Exeter	this chapter that development must make short and direct connections to local facilities, walking/cycling routes, bus stops and train stations. As indicated above enactment of new services in conjunction with new building developments is vital, but the timing of this should be brought forward prior to occupation of properties. Services must be phased in much earlier in all major developments. New bus facilities should be easily accessible (quantified in terms of distance, level of service) as soon as the first residents move in,	It is not viable to run services prior to occupation, and during early stages of occupation it may be necessary for residents to rely on existing services, so development should be phased accordingly. Paragraph 10.2.5 is designed to address this as far as possible.
10.2.6	Stagecoach South West	Roads do not have to be narrow or awkwardly laid out to be safe, and unnecessarily slow bus journeys are less attractive to potential passengers and therefore less sustainable. Designated bus routes need to be wide enough to allow manoeuvres without encroaching on the kerb or opposing carriageway. They also need to be direct. Bus-only measures could prevent access by other large vehicles if so desired. Favours segregation of pedestrians and cyclists. Cyclists should be required to use bells on shared paths.	Mostly agreed and included in 10.2.4. Bus only roads not specifically referred to; they can be appropriate in some situations but give rise to enforcement problems.
10.2.6	Mrs Lant	Steps, railings etc enable visually impaired people to tell where they are; although if badly placed they create obstacles. Smart card system to be introduced in 2013 gives potential for links with bike hire systems, bus tickets etc, and reference should be made to this. It's not just key safes; include telematic swipe card system. Additionally if the car bay is covered by CCTV or in the case	The study on Shared Use paths by Atkins for the DfT (2012) found that segregation by white line was ineffective in securing compliance, and had little effect on conflict between users. National law does not require cyclists to maintain bells on cycles, and Councils have no legal power to require use of bells. Reference included to the need to cater for all disabled users, in accordance with paragraph 4.1.1. Now included in 11.1.2.
10.2.7	Mrs Lant	Smart card system to be introduced in 2013 gives potential for links with bike hire systems, bus tickets etc, and reference should be made to this.	Reference included to the need to cater for all disabled users, in accordance with paragraph 4.1.1. Now included in 11.1.2.
11	Co-Cars	It's not just key safes; include telematic swipe card system. Additionally if the car bay is covered by CCTV or in the case	Smart card now included in 11.2.1; CCTV already in 11.2.4.
11.2.1	Co-Cars	It's not just key safes; include telematic swipe card system. Additionally if the car bay is covered by CCTV or in the case	Smart card now included in 11.2.1; CCTV already in 11.2.4.

		of the housing development a security patrol.	
11.2.2	Co-Cars	Add in a line: Contribution to the car club operators costs.	Agreed.
11.2.4	Co-Cars	<p>The costs need updating:-</p> <ul style="list-style-type: none"> <li>• Capital cost 15,000.</li> <li>• In-car telematics system, plus fitting and licensing requirements 2,000.</li> <li>• The contribution to the car club costs is low but still stands, as this is only a contribution to our costs.</li> <li>• Subscription cost 50 per dwelling.</li> </ul> <p>These costs increase the cost per dwelling of 250 houses to 143. An option would be to have an electric fast charging point of maximum 6000, but this includes cost of capital, maintenance and civil engineering works.</p>	Agreed. Table 5 amended.
11.2.7	Co-Cars	<p>One car per 250 dwellings is reasonably accurate though 200-250 would be more so. More detailed calculations provided which supersede 11.2.5 and 11.2.6. Should also refer to business use would be useful, ie. a car for developments of 2000sqm or more of Class B1 offices.</p>	Reference to B1 use included.
12.1	Robert McLarin	Greater use of the existing rail network and provision of new halts is applauded and should be implemented asap.	Support welcomed.
12.1	Mrs Lant	Talking customer info systems are desirable at new stations.	Now included in 4.1.1 which sets out detailed requirements for people with all disabilities.
12.2	Exeter Civic Society	Support the proposals, particularly park and ride at Alphington/Ide interchange.	Support welcomed.
12.2	Transition Exeter	<p>Park &amp; Ride is a semi-successful attempt to reduce the pressure of car parking in city centres. It should however be seen as a temporary solution to urban traffic challenges and not permanent. It brings a reliable service to the car driver but is socially exclusive, providing better and cheaper bus routes than in the poorer areas of the city. We think it should be part of a longer-term strategy to bring better public transport closer to people's homes so that no car driving is necessary.</p>	<p>Park and ride is part of a package of measures, not a complete solution in itself. Given Exeter's rural hinterland, parts of which are impossible to serve with regular public transport, park and ride provides residents of these areas with the option of not driving into the city.</p> <p>Park and change is already being considered for locations on existing frequent bus services.</p>

			There might be a longer term role for 'Link and Ride' with buses along strategic routes from rural areas into Exeter with a series of smaller car and secure cycle parks along the route.	
12.3	Transition Exeter		In our view Exeter has good radial bus routes but services around the city are poor in comparison, especially linking residential areas with employment sites. We would therefore propose new services, such as an orbital bus route to open up different journey possibilities, possibly feeding in to stations and other community hubs. Smart ticketing will be essential for all public transport use in the future.	Service development and smart ticketing are both considered in the Exeter Growth Bus Strategy, referred to at 12.3.2.
12.3.1	Low Carbon Task Force		Include 'high quality facility' somewhere in the second sentence - this is important given the current facility's utilitarian nature.	Agreed and included.
12.3.1	Mrs Lant		New bus station needs audio information systems and appropriate tactile paving.	Paragraph 4.1.1 includes reference to these and will apply to the bus station redevelopment.
12.3.2	Exeter Civic Society		To avoid traffic problems caused by, and to, long distance coaches, they should serve a hub in the Sowton area, with smaller vehicles providing transfer to the city centre; would need to provide assistance with luggage.	Coaches make up a very small percentage of vehicles on the road and are not considered to contribute significantly to traffic problems. The desirability of such a transfer system is therefore a matter for their commercial operators.
12	Mr Cummings		Need to safeguard land for a ring road and rail route, westwards from Pinhoe to the A30 at Barley Wood, with rail continuing to rejoin the main line near Exminster. Should feature freight transfer facilities (with biofuel filling stations) and park and ride (with shelter and CCTV). Need automated control of traffic systems. Recycling plants need to be in more convenient locations.	There are no plans for such routes, and it is outside the scope of this document to propose them. Chapter 12 simply summarises proposals which already exist.
12.4	Exeter Civic Society		Support the proposals, particularly the new roads. Exhibition Way link (with traffic control at rail bridge) essential for viability of Ibstock development.	Support welcomed.

12.4	ECC Estates	What is meant by safeguarding and should there not be a plan for these routes? No intention of creating an additional railway crossing at Exhibition Way, merely enhancement of existing bridge.	More detail and relevant plans are being included in the emerging Site Allocations and Development Management DPD. Description of Exhibition Way link clarified.
12.4.3	Mrs Lant	Opposes Exhibition Way link; the area is valued for recreation, dog walking, listening to birdsong, relaxation, release of stress. Trees were planted just five years ago. Development would exacerbate the flood risk.	Opposition noted; the proposal still has to pass through a number of stages including a public inquiry into the village green application in addition to the planning application process.
12.4.4	Robert McLarin	Water Lane link should be a priority now, and should have been implemented when the last phases of residential development were completed. Madness to have one junction serving this area on a major arterial road. Need to build the Water Lane link or improve existing Tan Lane to Exton Road link by widening the bridge under the railway for all traffic. Make greater use of car park between Haven Road and Water Lane.	Support for safeguarding welcomed; however, construction of the road is not a short or medium term objective for DCC as highway authority.
General	Sustrans	This comprehensive document deals with most sustainable transport issues in urban development very well. There is however a special need to consider transport to and from schools above other journeys because this often causes greatest local traffic congestion problems, has the greatest potential to influence the future travel behaviour of young people and has the most risks for vulnerable road users. The development of schools and the infrastructure around them should give far greater priority to encouraging walking and cycling and discouraging car use. Secondly, parks and open spaces are places that people of all ages and abilities go for recreational walking and cycling. Where these spaces are provided as part of larger developments the design of the spaces needs to provide good facilities for their use, e.g. widths and surfaces of paths. The access to these or pre-existing open spaces from	Support welcomed. Reference to routes to schools covered in 10.2.6, with cross-reference from 7.2.1. Travel plan requirements now included in 8.1.1.
			On-site open spaces covered by 10.2.7. Reference to routes to parks covered in 10.2.6, with cross-reference from 7.2.1.

		residential developments by foot and cycle also needs to be provided.	
General	Environment Agency	No wish to comment.	Noted.
General	Avocet Line Rail Users Group	No wish to comment.	Noted.
General	Exeter St James Forum	Document a useful reference to how planning rules encourage sustainable transport.	Support welcomed.
General	DCC	Support document, which is comprehensive and well-aligned with Local Transport Plan and Core Strategy transport policies. Suggest restructuring chapters as it's not explicitly clear that chapters 4 to 6 relate to smaller forms of development, or that 7 to 10 are for progressively larger developments. could simplify the order into on-site improvements, parking provision (including car clubs), off-site improvements, and ending with travel planning and significant transport proposals.	Support welcomed. No change is proposed to the structure, which was revised considerably in response to comments received on an initial draft from DCC and ECC officers. It is considered that the existing structure is clear by virtue of section 1.2, Table 1, and the "Applicable to the following" section at the beginning of each chapter. The current structure comprises short chapters which are considered easy to read.
General	Devon Countryside Access Forum	Gratified to see the attention being paid to pedestrian and cycle routes, including such matters as cycle parking.	Support welcomed.
General	Low Carbon Task Force	LCTF welcomes the preparation of this SPD which is an important aspect of planning policy which can, if properly conceived, help to reduce the City's carbon footprint. The draft document does, indeed, address the major issues and priorities which will promote the provision of sustainable transport infrastructure and maximise its likely usage. It should thereby help to contain and eventually reduce the City's carbon footprint. Finally, the document is very easy to read and the way it has been structured is excellent.	Support welcomed.

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## EXETER CITY COUNCIL

**EXECUTIVE  
19 MARCH 2013**

**COUNCIL  
23 APRIL 2013**

### **EXTENDED OPENING FOR CIVIC CENTRE-BASED COUNCIL SERVICES**

#### **1 PURPOSE OF REPORT**

- 1.1 This report seeks to inform Members about the arrangements for extending the availability for a wider range of the Council's services by making them available until 7pm on Thursday via telephone and the Customer Service Centre. The report also seeks a budget to facilitate this extension to some Civic Centre-based services' opening hours.

#### **2 BACKGROUND**

- 2.1 Exeter residents make contact with the Council in numerous ways, for example, online through our broad range of web-based services, in writing either through letter or email, through social networking, by telephone and face to face. A relatively small proportion access the Council's Customer Service Centre (CSC) to access a broad range of services.
- 2.2 The Council as a whole is open from 8.30am to 5pm Monday to Friday inclusive. In addition to this, various services operate in extension to these hours, for example, Waste Collection commences prior to 8.30am; the Royal Albert Memorial Museum operates from Tuesday to Sunday 10am to 5pm; and the Control Centre provides a 24-7 operation.
- 2.3 Members support the concept of offering extended hours opening in order to improve access to services. A pilot for extended opening was run last year, initially for six months and later extended to a year. This involved opening the CSC, including telephony for three hours on Saturday morning. This pilot ended in September of last year.
- 2.4 There is also a commitment by members to supporting the City in developing not only a strong and thriving economy generally, but also a sustainable evening economy. To this end, whilst the decision was taken not to proceed with Saturday opening, Members are interested in testing the demand for extended hours opening.
- 2.5 In order to test this demand, a Pilot will be run for six months, commencing 11 April 2013 whereby some services will be available to residents until 7pm on Thursdays, commencing 11 April 2013.

### **3. SERVICES INCLUDED IN LATE NIGHT OPENING**

3.1 Based on looking at the demands for service that are channelled through the CSC, and discussions with managers across various services, the services in scope for extended opening are:

- The Customer Service Centre
- Switchboard
- Housing Advice
- Housing Estates
- Reactive Repairs
- Housing Development
- Income Recovery
- Programmed Major Works
- Planning
- Council Tax Recovery
- Council Tax Billing
- Business Rates
- Environmental Health and Cleansing Support teams
- Housing Benefits
- ICT

3.2 It is also expected that the Council's Switchboard will be opened until 7pm; although publicity for late night opening will make clear that it is not the entire Council that will be open.

3.3 There are other services which may be included if there proves to be a demand from customers for them, including Building Control, Supported Accommodation and Parking Enforcement.

### **4 ASSESSING THE SUCCESS OF THE PILOT**

4.1 Success criteria for the Pilot are proposed to be based on measuring the volume of demand from face-to-face customers as well as on the telephones as a total and by service. We would also look at measures of capability at the point of transaction to identify whether we have the right resources available up to 7pm on Thursday to meet residents' demands.

### **5 RESOURCE IMPLICATIONS**

5.1 Based on the services currently in scope for Thursday evening opening, it is estimated that 27 staff will be involved.

5.2 Based on an average wage of £21,500, the staff costs to Council of the six-month pilot will be in the region of £38,610 which includes on-costs. The costs of publicity will be in the region of £1,500.

5.3 The Strategic Management Team has agreed to certain temporary measures in order to facilitate staff volunteering to be part of the Pilot. This includes provision of overtime payments for staff above grade eight and the rate of overtime payments to staff on part time contracts. Similarly, certain working arrangements have been amended to respond to staff concerns, for example, the provision of a parking permit to the staff area of Dix's Field Car Park for those staff working until 7pm



whose access to their normal mode of transport to work is affected by them working until 7pm.

- 5.4 Payment of overtime will be used in order to mitigate the impact of staff taking time off during the day where this is likely to impact on service delivery. However, the use of overtime to support Thursday evening opening is clearly not sustainable in the long term. We will therefore need to ensure that all employment contracts are amended to provide for a flexibility clause enabling future changes in demands to be met. This work will involve negotiation with Trades Unions in respect of changes to the Council's Single Status Agreement, and will commence immediately after the introduction of the Pilot in order to ensure that if Members assess that the Pilot is successful and support its introduction as a permanent feature of the Council's offer at the end of the Pilot period; this can be supported through contractual arrangements.

## **6 RECOMMENDED**

- 6.1 Members are asked to note the actions being taken to implement the Pilot Extended Hours Opening on Thursday; and
- 6.2 Members are requested to recommend to Council the creation of a budget of £50,000 which includes an allowance for contingencies. This will be used to support the implementation of the six-month Pilot, funding in the main the costs of overtime as well as Publicity.

BINDU ARJOON  
ASSISTANT DIRECTOR BUSINESS TRANSFORMATION

### **CHIEF EXECUTIVE'S DEPARTMENT**

**Local Government (Access to Information) Act 1972 (as amended)**  
**Background papers used in compiling this report:-**

None

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## EXETER CITY COUNCIL

### SCRUTINY COMMITTEE - COMMUNITY 5 MARCH 2013

EXECUTIVE  
19 MARCH 2013

#### CHARGING PROTOCOL FOR WASTE RECEPTACLES

##### 1. PURPOSE OF REPORT

- 1.1 Following a review of chargeable services a set of fees and charges were agreed by Council on 26 February 2013 to cover the provision of refuse containers to domestic premises from April 1st 2013 (see Appendix 1). This report gives options in which to apply a charge and dependent upon the option taken seeks agreement to the adoption of a charging protocol in response to circumstances where it may be in the public interest to waive or reduce some of these charges.

##### 2. INTRODUCTION AND BACKGROUND

- 2.1 The Council currently spends around £100,000 per annum in providing new and replacement bins for both recyclables and rubbish for landfill.
- 2.2 The new charges for bins or a charge for the delivery of bins, could apply to one or more of the following situations where bins are requested:
- containers being provided in the case of newly built or converted dwellings;
  - to new occupiers in an existing dwelling where the provision is missing; and
  - to existing occupiers who request a replacement bin.
- 2.3 In relation to newly built dwellings or those provided from conversion of an existing building, it will be relatively straight-forward to plot these as they become available for occupation, and administer a charge for provision and delivery of waste bins.
- 2.4 In relation to an existing dwelling when a new occupier finds that provision is missing, or when an existing occupier wishes to replace a bin for a variety of reasons, it becomes more complicated to administer a charge. From experience in other local authorities that have introduced a charge it is evident that practical difficulties may arise in taking a rigid approach, particularly in circumstances where it is difficult to justify charges being levied. This situation would require customer contact staff to take ad-hoc decisions on these matters and so in order to attain a consistent approach, there is benefit in adopting a clear protocol for charging for bin provision.
- 2.5 An alternative option for existing householders, and one which is relatively easy to administer, is to apply a nominal delivery charge across the board to occupiers wishing to change their black bin provision. This nominal charge should be affordable, (a charge of £6 is recommended), but the option of collecting a bin free of charge will be offered (as we currently do for compost bins). By applying a nominal value to the bin, it is likely that householders will be encouraged to take more care of their bins, that private landlords will take more care of the waste management arrangements at their lettings, and consequently there may be a gradual reduction in bins being left out on pavements, lost bins, and bin replacement frequency.

- 2.4 The options considered in this report are therefore:
- A. to apply the charges for bin provision set out in Appendix 1 to newly built or newly converted dwellings only;
  - B. to apply a delivery charge in all cases when there is a request for a change in existing bin provision and a wish for the bin to be delivered;
  - C. to apply the charges for bin provision set out in Appendix 1 to both newly built or newly converted dwellings and existing dwellings.

### **3. IDENTIFICATION & EVALUATION OF OPTIONS**

#### **3.1 Charging for bin provision in new dwellings – Option A**

The advantage of limiting a charge to newly built or converted dwellings is that the Council can differentiate these dwellings from others as they come on stream and can facilitate the administration of a charge via its web-based tool for requesting bins. The potential to use the planning system in order to require developers to fund bin provision in new build dwellings was examined but deemed limited as consent has already been granted for approximately 50% of projected build over the next 7 years, and requirement could not be retrospectively applied. Therefore, in the absence of any informal arrangements made with developers, it will fall upon the house purchaser to make arrangements and pay the charge.

- 3.2 The projected number of new dwellings for 2013/14 is 600, which when based on the previous year's profile of bin provision would yield an estimated income of £26,500.

#### **3.3 Charging for delivery for bin changes – Option B**

Requests from existing occupiers make up approximately 65% of all bin provision (2600 bins p.a.). Currently these are provided and delivered free of charge. By introducing a delivery charge of £6 with the option of collection from Oakwood House free of charge, an estimated income of £16,900 (delivery charge for green and black bins) or £8,450 (delivery charge for black bins only), will be derived. The only exemption to the charge would be where the bin has been damaged beyond use by the collection and emptying process and no fault of the householder. Due to the need to encourage recycling over waste production, the option to only charge for delivery of black bins is advisable (Appendix 2); this also reflects the charging structure in Appendix 1.

- 3.4 A further option to consider is to apply only a delivery charge, but for all bin provision, with the option of collection at no charge. Based upon the profile for bin provision in 2012/13 this would yield an annual income of £26,000. This would be relatively easy to apply, but it would have the disadvantage of applying to green bins, thereby potentially discouraging any move by households to increased recycling. This option is not the preferred option for this reason.

#### **3.4 Charging for all bin provision – Option C**

Extending charges to all requests for bins has the potential to yield more income; based upon the profile of residual bins provided in 2012/13 an estimated income of £89,300 is derived. Difficulties could arise with such charging when householders are unwilling or unable to pay the requisite charge at the time of request, leading to waste being improperly presented and the need for the Council to respond by taking remedial action. A further disadvantage with this is that it will be very difficult to administer via any web-based tool unless a rigid approach is taken in all circumstances. However, a rigid application of the charges may lead to an unfair approach where householders have genuine and persuasive reasons to justify a waiver or reduction of the charge, and this inevitably will mean many more customer

calls to deal with, which in turn will increase the cost of administration. Therefore this option is likely to be the least acceptable of all the options.

- 3.5 Should Members wish to introduce charges across the board for black bin provision, the adoption of a charging protocol as set out in Appendix 3 will allow for both a consistent application of the charges and any waiving of such. It will also reduce any pressure on staff receiving calls to make ad-hoc decisions, which in turn may have led to an inconsistent application of the charges.

3.6 **Preferred option**

The option of charging only in respect of new development or conversion, will be far easier to administer, and will yield the target income of £25,000. In addition, the introduction of a modest delivery charge for black bins will place a nominal value on bins, which is considered beneficial, and assist in meeting the cost of this service. Introducing both of these sets of charges in combination is therefore the preferred option (i.e. Options A and B combined).

- 3.7 If, however, Members wish to move towards a cost neutral position in respect of bin provision, then charges would need to be applied across the board as in Option C. In this case it is recommended that the charging protocol in Appendix 3 is adopted to ensure a consistent approach.

**4. LEGAL, FINANCIAL AND OTHER POLICY MATTERS**

- 4.1 Section 45 of the Environmental Protection Act 1990 imposes a statutory duty upon the council to collect household waste. The council can make a charge for providing the containers used for the collection and waste and recycling, and can specify the dimensions and construction of a bin in which waste is to be presented. By adopting a framework for applying charges, and for the waiving or reducing charges in certain circumstances, a more consistent approach will be made by the Council.

4.2 **Financial considerations**

As part of the council's budget strategy which was agreed by Council at its meeting of 26 February 2013, a reduction of £25,000 was made to the Waste Collection Services budget for 2013/14, which will need to be made up from additional income. The number of newly built or converted dwellings in 2013/14 is projected to be 600, yielding an estimated income of £26,500, although the profile of new development in 2014/15 will differ with a greater amount of block accommodation. Introducing a charge for delivery of black bins requested by existing customers will derive an additional income of £8,450, to give a combined total of £34,950, thereby satisfying budget requirements, and allowing for any potential increase in administration costs.

The projected number of bins issued in 2012/13 totals 4032; of these approximately half (2016) will be black bins. Based upon the profile of bins provided in 2013/14 the potential income from charging for all requests of black bins is £89,300 but this takes no account of reduced income from waivers or reductions, nor any increase in administration costs.

4.3 **Diversity and Equality Implications**

The introduction of the proposed charges are relatively modest and are deemed not have any adverse impact on any particular target equality group. The additional income derived will allow the service to maintain the current level of service including the collect and return service for householders with mobility issues.

**5 RECOMMENDED that:-**

Scrutiny Community support the report and request Executive to:-

- (1) to introduce charges as set out in Appendix 1, in respect of newly developed or converted dwellings only (Option A) in combination with applying a delivery charge set out in Appendix 2 for all other requests for black bins (Option B);  
or
- (2) to apply charges as set out in Appendix 1 to all householders making a request for bins under the framework of the proposed Charging Protocol for recycling and waste containers in Appendix 3 (Option C).

**ROBERT NORLEY  
ASSISTANT DIRECTOR ENVIRONMENT**

S:PA/LP/ Committee/113EXEC1  
3.1.13

**Local Government (Access to Information) Act 1985 (as amended)  
Background papers used in compiling this report:**

None

## APPENDIX 1: CHARGES FOR WASTE RECEPTACLES (OPTION A & C)

The following charges will be applied for the supply and delivery of domestic refuse bins.

<b>Domestic Refuse Containers</b>	<b>Fee</b>	<b>VAT</b>	<b>Total</b>
140 litre wheeled grey (residual) bin	25.00	-	25.00
180 litre wheeled grey (residual) bin	35.00	-	35.00
240 litre wheeled grey (residual) bin	45.00	-	45.00
360 litre wheeled grey (residual) bin	70.00	-	70.00
660 litre grey (residual) wheeled bin	235.00	-	235.00
1100 litre grey (residual) wheeled bin	250.00	-	250.00
80 litre static grey (residual) bin	15.00	-	15.00
Seagull-proof sack	3.00	-	3.00
Where applicable, an authorisation fee will be charged:			
2 wheeled bin	5.00	-	5.00
4 wheeled bin	10.00	-	10.00
Supply and delivery of a roll of 200 sacks for residual waste	15.00	-	15.00

**APPENDIX 2 CHARGING FOR DELIVERY OF BIN WHEN DELIVERY REQUESTED  
(OPTION B)**

<b>Domestic Refuse Container</b>	<b>Delivery Charge for Residual Containers</b>
1100 litre grey (residual) wheeled bin	£25.00
140 litre wheeled grey (residual) bin	£6.00
180 litre wheeled grey (residual) bin	£6.00
240 litre wheeled grey (residual) bin	£6.00
360 litre wheeled grey (residual) bin	£6.00



### **APPENDIX 3: CHARGING PROTOCOL FOR WASTE CONTAINER PROVISION WITH RESPECT TO OPTION C**

#### **No charge will be levied when:**

- 1) The container has been damaged beyond repair by the collection and emptying process, so that it is no longer usable.
- 2) The container has been stolen, and this has been verified by the occupier.
- 3) Down-sizing from a larger to a smaller bin.
- 4) Where the container has apparently prematurely failed owing to age or poor manufacture.
- 5) Where a different size container is required to suit large families or for medical reasons.
- 6) Where the property had been provided with alternative container arrangements and the new householder wishes to be supplied with the standard arrangements suited to that property type.
- 7) In other circumstances where the Cleansing & Fleet Manager deems it appropriate to waive the charge.

#### **A reduction of 50% will be applied to charges where:**

- 1) A reconditioned bin is provided.
- 2) In other circumstances where the Cleansing & Fleet Manager deems it appropriate to reduce the charge.

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## EXETER CITY COUNCIL

### SCRUTINY COMMITTEE – COMMUNITY 5 MARCH 2013

EXECUTIVE  
19 MARCH 2013

#### ENERGY WORKS 2013/14

#### 1. PURPOSE OF THE REPORT

- 1.1 To seek approval for undertaking energy saving works on the housing stock.

#### 2. BACKGROUND

- 2.1 As part of the Council's ongoing commitment to maintaining our housing assets, we are continually looking for ways to improve the condition of our properties, reduce carbon omissions and potentially reduce energy costs for our tenants.

#### 3 PROPOSALS

##### Re-roofing and Photo-Voltaic (PV) panels

- 3.1 The housing capital programme for 2013/14 allows for 55 properties in Hawthorn Road to be fitted with new roofs at a cost of £300,000. The aspect of these roofs makes most of them suitable for PV panels to be fitted and preliminary estimates for a 3-panel in roof system are £1961 per property, around £108,000 in total. The estimates for a 5 panel in roof system are £2809 per property which is a total cost of around £155,000.
- 3.2 The annual budget for energy conservation is £30,000. For a number of years, small sums of grant income from schemes such as cavity and loft insulation works has been saved with the objective of re-investing the funds in more energy saving works in our housing stock. Including the under-spend from the 2012/13 budget and the grant income from previous schemes, the 2013/14 budget is £168,000.
- 3.3 We propose to fit as many PV panels as the space and aspects of the individual properties at Hawthorn Road allows because the more panels we install, the greater the Feed In Tariff we would receive and the greater the potential savings are for our tenants. It is estimated that the average annual saving on our tenants' electricity bills would be in the region of £80 and that each set of five panels would save 0.58 tonnes of carbon each year.

##### Ready for Retrofit trial

- 3.4 We are keen to consider how to improve the thermal efficiency of our stock in order to reduce carbon emissions and reduce our tenants' energy bills. Two units have been identified in Shakespeare Road for a trial. These are standard two-bedroom houses that were constructed in the 1950s and that are typical of many in our portfolio. These properties have already had a thermal survey undertaken on them and appear to be performing poorly in terms of thermal efficiency. The idea is to try a range of measures on these properties as a pilot to determine what could be achieved at a reasonable cost across the stock. We estimate that a budget of £40,000 is required for this pilot, although it is likely some grant funding would be

available for the scheme to off-set this sum. This can be funded from existing budgets.

### **Window upgrades**

- 3.5 Thermal surveys have been carried out on the flats where the external rendering programme works are to be done in 2013/14. They indicate that the fabric of the building is performing quite well in terms of thermal efficiency but that the plastic double glazed windows that were fitted some 15-25 years ago are, in some cases, performing 20% below the surrounding walls. An estimate to upgrade the window glass while the other works are going on is £650 per flat, based on the programme of 48 flats, the total is £31,200. This can be funded from existing budgets.
- 3.6 It is difficult to estimate how much our tenants will save on their fuel bills until the work has been completed and monitoring undertaken. However, changing the windows from Grade C to Grade A will alter the structural heat loss per unit of surface area (U-values) from 1.6 to 1.1, an improvement of 31.25%.

## **4 RECOMMENDATIONS**

- 4.1 **RECOMMENDED** that Scrutiny – Community supports and Executive agrees to commit:

1) the allocated Energy works budget for 2013/14, any under-spend from the 2012/13 budget, Feed In Tariff (FIT) payments and any grant income received from energy efficiency works to install photovoltaic arrays to as many properties at Hawthorn Road as possible, in conjunction with the re-roofing programme;

2) £40,000 from a combination of existing budgets to undertake a trial retro-fit to improve thermal efficiency at two properties identified at Shakespeare Road;

3) £31,200 from the Communal Areas budget for upgrading the window glass on 48 flats, in conjunction with the external rendering programme works.

**SARAH WARD**  
**ASSISTANT DIRECTOR HOUSING & CONTRACTS**

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

Background papers used in compiling this report:-

None

## EXETER CITY COUNCIL

### COMMUNITY SCRUTINY COMMITTEE 5 MARCH 2013

#### EXECUTIVE 19 MARCH 2013

#### EMPTY HOMES ENFORCEMENT

#### 1. PURPOSE OF THE REPORT

- 1.1 To approve a systematic approach to tackling long term empty homes in the city and the use of enforcement powers where required to ensure empty homes are returned back into use.

#### 2. BACKGROUND

- 2.1 Long term empty properties are a valuable housing resource, particularly in areas of high housing demand like Exeter. Homes that are left unoccupied can quickly fall into disrepair and neglect, becoming a blight on the neighbourhood by attracting anti-social behaviour, accumulating refuse, encouraging vandalism and reducing property values in the local area. Bringing empty properties back into use can benefit the individual owners, potential future occupiers and the wider community.
- 2.2 The National Planning Policy Framework (NPPF) published in March 2012 makes a specific reference to empty properties. It states that:  
*“Local Planning Authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers”.*
- 2.3 The number of empty properties returned to use is a key element in the calculation of New Homes Bonus. For example, one Band D long term empty home returned to use will produce £8,634 over the six year period. Exeter City Council gets 80% of this – just under £7,000 over six years for each Band D property removed from the Council Tax Base figures.
- 2.4 An effective empty homes enforcement policy also helps maximise available housing stock in the city and normally improves the general condition and energy efficiency of properties.

#### 3.0 TACKLING EMPTY PROPERTIES IN EXETER

- 3.1 Compared to other similar areas, the Council already has a good track record in tackling empty properties. New Homes Bonus is calculated on the net reduction in the Council Tax Class C (long term empty properties) on 1 October each year. In October 2012, there was a net reduction of 62 homes to 230 properties which will deliver nearly £420,000 in New Homes Bonus over the next six years. This shows that 0.4% of all properties in Exeter are long term empty properties compared to an average of 2.5% nationally. However, it will be important to keep the number of empty homes at or below 205 every October in order to maintain New Homes Bonus funding at this level.

- 3.2 A long term empty property is defined as a property that has been empty for six months or longer. The majority of empty properties are identified through the Council Tax database because properties that are empty and unfurnished currently receive an exemption from Council Tax for up to six months and then receive an ongoing discount of 10%. These are classified as Class C long term empty properties.
- 3.3 However, this does not represent a full picture of empty properties as only those properties where the owner has advised the Council Tax department that the property is empty in order to receive an exemption are included. Where owners of empty properties continue to pay full Council Tax there is no way to know whether the property is empty unless it is reported as empty to the Council. In addition, properties that are empty but are furnished are currently recorded as second homes through the Council Tax database.
- 3.4 At Executive Committee in November, it was agreed that as part of the technical reforms to Council Tax that from April 2013 the exemption given to empty property owners will be reduced from six months to two months and properties that have been empty for longer than two years will be charged 150% Council Tax. In addition, the 10% discount given to second home owners will be removed. Therefore, from April 2013 there will be less incentive for owners to advise the Council that their property is empty and may make it more difficult for the Council to identify empty properties.
- 3.5 Many properties become empty at some point as part of the normal operation of the housing market and are usually empty for less than six months. These properties are considered “transactional” empties, usually properties that are in the process of being renovated, are being marketed for sale or for letting.
- 3.6 Properties may become empty for a number of reasons such as:
- lack of funds for refurbishment
  - reluctance to let out
  - bankruptcy/repossession/abandonment
  - buy for investment purposes
  - lack of knowledge / inaction of owners
  - probate, estate or legal ownership issues
  - illness
  - family dispute
- 3.7 In February, there were 310 long term empty properties on the Council Tax Class C list, with 77 having been empty for longer than 12 months. The table below shows the number of properties that are currently empty and the length of time they have been empty:

<b>Date empty</b>	<b>Number of empty properties</b>
7-12 months	233
1-2 years	38
2-3 years	8
3-4 years	12
4-5 years	3
6-10 years	13
11-15 years	3
16-20 years	0
20+ years	0
<b>Total</b>	<b>310</b>

- 3.8 The table shows an increase in the number of long term empty properties since October 2012. This has been the result of data cleansing of void properties on the Council Tax database which are now been listed as long term empty properties.
- 3.9 Despite the Empty Homes Enforcement Policy stating that enforcement action will not usually be taken on properties empty for less than a year, work is carried out on a regular basis throughout the year to ensure that the information on the Council Tax database is as accurate as possible through the use of verification visits to properties. This has shown to be a useful exercise and usually results in a significant reduction in number of properties empty between 7-12 months. It is expected that this number will be reduced significantly ahead of October 2013 and the next New Homes Bonus calculation.
- 3.10 The Council's existing approach to empty properties has not been ineffective. It is based on a step by step process which builds from offering advice and information, through the use of grants and loans as incentives, to more formal enforcement action using existing authorised powers. We could continue to use these powers to tackle the issues posed by long term empty properties. However, this normally offers only a short term fix and does not address the underlying issue of ultimately bringing the empty property back into use. We believe that what is required to tackle those properties that have been empty a long time is an ultimate sanction of removing the empty property from its existing owner, by means of either enforced sale, an Empty Dwelling Management Order (EDMO) and Compulsory Purchase Order (CPO). Obviously this is a very serious sanction and cannot be undertaken lightly. The draft Enforcement Policy attached at Appendix 1 sets out how and when such enforcement will be used.
- 3.11 Many owners need support, information or encouragement to help them bring their empty home back into use, whilst others have little or no intention of doing anything with their property. Empty property owners are offered advice, assistance and support by the Council to reach a solution in order to bring their empty property back into use. However, there are circumstances where owners cannot be traced or are reluctant to bring back into use their property within a reasonable timescale. In these circumstances, enforcement action may be deemed the most appropriate course of action.
- 3.12 Action will be taken on empty properties using the following criteria:
- Length of time empty
  - Condition of property
  - Causing a detrimental environmental impact
  - Subject to enforcement action by other departments
  - Affecting stability or causing harm to neighbouring properties
- 3.13 Some empty properties will require more immediate enforcement action due to the condition of the property where there are health and safety concerns or the condition has a negative impact on the local neighbourhood. This will ensure that the condition of the property is improved in the short term, whilst further action is taken to return the property into use longer term.
- 3.14 Enforcement action will not be limited only to empty homes listed as long term empty properties on the Council Tax database. The Enforcement Policy will permit the Council to take action against any privately owned long term empty property to return it back into use.

- 3.15 The Council would not seek to take action on properties that are empty for less than six months or properties that have been empty where there is clearly an intention to bring the property back into use. The Council will instead focus empty homes enforcement action on properties that have been empty for longer than six months where there is no prospect of the owner returning the property back into use in the foreseeable future.
- 3.16 The Council will not use enforcement action until all other avenues to encourage the owner to bring the property back into use have been exhausted. We will only use enforcement action where the owner is not engaging in finding a solution to bring the property back into use or where all avenues to find an absent owner have been explored. We will also use the most appropriate enforcement action to bring the property back into use. Often the threat of enforcement action will encourage the empty property owner to engage with the Council and is therefore a particularly useful tool.

#### 4.0 **ACTION PROPOSED**

- 4.1 Approval is sought to use the legal powers available to local authorities to return properties back into use, which include the enforced sale of the property, an Empty Dwelling Management Order (EDMO) and Compulsory Purchase Order (CPO).
- 4.2 Approval is also sought for delegated authority to be granted to the Assistant Director of Housing & Contracts, in consultation with the Portfolio Holder for Housing, to take action on long term empty homes identified. Delegation will ensure that the appropriate action can be expedited without the need for committee approval on a case by case basis.

#### 5.0 **RESOURCE IMPLICATIONS**

- 5.1 Using enforcement powers to bring empty properties back already requires staff resources across the Council, particularly in housing, environmental health and city development. It is not expected that enforced sale, Empty Dwelling Management Orders or Compulsory Purchase Orders will be used on large numbers of properties. Similar approaches in other areas of the country have demonstrated that the threat of enforcement action and a robust track record of enforcement is often enough to encourage property owners to take action.
- 5.2 However, in some cases robust action will be required and it is important to have the resources in place to both fund the complex administrative processes and to actually purchase the property, if necessary. It is proposed that the ringfenced New Homes Bonus funds be used to fund empty property enforcement on the exceptional occasions that additional funding is required. Revenue funding will be drawn from the capacity funding already set aside and any temporary capital funding required will be drawn from the Major Infrastructure Fund and replaced *without delay* with the proceeds of the onward sale.
- 5.3 Any empty properties that are purchased will be sold quickly to a new owner who is prepared to make the investment so that the capital outlay will be short-term. In certain circumstances, for example if the empty property was originally owned by the council, it might be purchased by the Housing Revenue Account and added to the council's housing stock. Alternatively, rather than funding the purchase ourselves, we may be able to agree a back-to-back sale with a housing association or private developer and reduce the Council's liability for Stamp Duty Land Tax. A risk-based disposal policy will be drawn up which sets out how the Council will dispose of any properties purchased as a result of enforcement action.



- 5.4 Delegating enforcement powers to the Assistant Director of Housing & Contracts will ensure that such action is only taken where there are no other options available to bring the property back into use.
- 6.0 **RECOMMENDED** that:-
- 6.1 Scrutiny Committee - Community approves the Empty Homes Enforcement Policy and requests Executive to
- (a) approve the Empty Homes Enforcement Policy
  - (b) authorise the use of New Homes Bonus to fund enforcement action on empty properties in exceptional circumstances where external services are required, to a maximum of £20,000 over the next three years
  - (c) authorise the use of New Homes Bonus in exceptional circumstances to fund the purchase of an empty property to a maximum of £300,000 per property
  - (d) authorise the Assistant Director of Housing and Contracts, in consultation with the Portfolio Holder for Housing and Community Involvement to undertake an Enforced Sale, an Empty Dwelling Management Order or a Compulsory Purchase Order to bring an empty property back to use

**SARAH WARD**  
**ASSISTANT DIRECTOR HOUSING & CONTRACTS**  
Local Government (Access to Information) Act 1972 (as amended)

**Background papers used in compiling this report:-**

None

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**EXETER CITY COUNCIL****EMPTY HOMES ENFORCEMENT POLICY****MARCH 2013****1.0 Introduction**

- 1.1 This policy sets out how the Council will work to bring empty properties back into use. This policy contributes to the [Exeter Empty Homes Strategy 2009-2014](#).

**2.0 Background**

- 2.1 Long term empty properties are a wasted resource, particular in areas of high housing demand such as Exeter. Homes that are left unoccupied can quickly fall into disrepair and neglect, becoming a blight on the neighbourhood by attracting ASB, accumulating refuse, encouraging vandalism and reducing property values in the local area. Bringing empty properties back into use can benefit the individual owners, potential occupiers and the wider community.
- 2.2 Land for new residential development in Exeter is scarce and land that is available commands a premium price. By making the best use of existing resources such as empty properties and returning them into use will help to negate the need to build as many new build properties.

**3.0 Impact of empty properties**

- 3.1 An empty home is not just the concern of the owner because a property left unoccupied and not maintained will over time impact on its surroundings. This can include neighbouring properties whose condition and value may also be severely affected. Empty properties also run the risk of attracting unwanted attention from vandals and squatters and in extreme cases become a target for arson.
- 3.2 Some of the above problems will require the local authority, the Police or the Fire Service to take action utilising valuable resources and causing costs that may not be recoverable from the owner of a property. Bringing an empty property back into use may assist in improving the general streetscape of an area and reduce anti-social behaviour as well as providing a valuable source of urgently needed accommodation.
- 3.3 Exeter City Council will take every step to assist owners of empty properties in bringing the property back into use. The details of this are set out within the Empty Homes Strategy. However, there are instances that, despite the best efforts on the part of the Council, properties remain empty for long periods of time.
- 3.4 These are the properties that are more likely to cause problems in the immediate neighbourhood. It is in these cases that, as a last resort, the Council will pursue enforcement action to return the property back into use. This policy outlines the processes that will be taken before, during and after enforcement action is approved.

#### **4.0 Identifying empty properties**

##### 4.1 The Council will:-

- Take steps to identify empty properties throughout the City with the aid of [Section 237 of the Housing Act 2004](#), which allows for the identification of properties through the Council Tax system that are registered as empty, in order to take steps to bring them back into use.
- Ensure that when seeking to identify empty properties, all processing of personal data will be in accordance with the Council's data protection policy and the rights of the data subjects contained in Part 2 of the Data Protection Act 1988.
- Encourage a range of stakeholders to report an empty home, including:-
  - Housing Officers
  - Building Control surveyors
  - Planning Officers
  - Environmental Health Officers
  - Pest Control Officers
  - Conservation Officers
  - Councillors
  - The Fire Service
  - The Police service
  - Neighbours
- Investigate further and take action where properties are reported as empty but are not classified as empty through the Council Tax system. It is increasingly common to find empty properties where the owner pays full Council Tax and has never applied for an exemption. In addition, there are a number of properties registered as second homes under Council Tax but are not genuinely used as a second home but are "furnished empty" properties.

#### **5.0 Advice and assistance to owners of empty properties**

5.1 The Council will offer advice, assistance and support to empty property owners to bring their properties back into use. The Council will work with owners to provide a tailored package of advice, assistance and incentives specific to the owners needs. Officers will encourage owners to work together with the Council to reach a solution in order to bring the property back into use.

5.2 Initiatives have been developed to support this including:

- Information on renting the property
- Information on selling the property
- Free schedule of works completed with a building surveyor
- Repayable grant to provide assistance to owners to bring their properties to a lettable standard for the Private Sector Leasing Scheme (PSL) and EXtraLet scheme
- Low cost loans to cover the cost of renovation for the sale of the property or to let privately through Wessex Home Improvement Loans
- Advice and assistance to obtain energy efficiency measures in line with the Council's Private Sector Housing Renewal Policy.

- 5.3 However, if the owner cannot be traced or is reluctant to take action to bring the property back into use, within a reasonable period, the Council will consider the use of enforcement action to both improve the condition of the property and to ultimately bring the property back into use.

## **6.0 Prioritising properties for enforcement action**

- 6.1 Potentially, any privately owned vacant dwelling could be subject to enforcement action including those not classified as Class C long term empty through the Council Tax system. This will include properties such as second homes which are empty, that are not used as a holiday homes and are unlikely to become occupied in the immediate future. However, in the context of the Council's priorities, a means of prioritising empty properties is needed. This gives accountability to the choice of property which could proceed with enforcement action and ensures that such choices reflect the Council's policies and procedures.

- 6.2 Properties will be prioritised and ranked using the following criteria:

- Length of time empty
- Condition of property
- Causing a detrimental environmental impact
- Subject to enforcement action by other departments
- Affect stability or cause harm to neighbouring properties

- 6.3 In addition, the following criteria may also prioritise those that are pursued with most urgency:

- Squatted properties
- Properties causing a nuisance to neighbours
- Properties identified by the police, fire service as causing particular problems in terms of crime

## **7.0 Action on empty properties**

### Properties empty less than 1 year

- 7.1 Most properties are usually occupied within one year and are considered "transactional" properties. For this reason, it is proposed that the Council do not take action on properties empty less than one year unless the condition of the property dictates that enforcement action is a necessity (e.g causing statutory nuisance to a neighbouring property)

### Properties empty for more than 1 year

- 7.2 The Council will concentrate enforcement action on properties that have been prioritised, which are ones that would continue to remain empty without enforcement action.

## **8.0 Achieving the improvement of empty properties**

- 8.1 There are a number of enforcement powers such as statutory notices available to the Council to take action on properties to address the poor condition of the property especially where there may be health and safety concerns or where it negatively impacts on neighbours and their properties. These powers are listed below:

Problem	Legislation	Power Granted
Dangerous or dilapidated buildings or structures.	<p><i>Building Act 1984, ss77 &amp; 78.</i></p> <p><i>Housing Act 2004, Part 1.</i></p>	<p>To require the owner to make the property safe (Section 77) or enable the Local Authority to take emergency action to make the building safe (Section 78).</p> <p>Under the Housing Health and Safety Rating System local authorities can evaluate the potential risks to health and safety arising from deficiencies within properties and take appropriate enforcement action.</p>
Unsecured properties (where it poses the risk that it may be entered or suffer vandalism, arson or similar).	<p><i>Building Act 1984, s78.</i></p> <p><i>Local Government (Miscellaneous Provisions) Act 1982, s29.</i></p>	<p>To allow the Local Authority to fence off the property.</p> <p>To require the owner to take steps to secure a property or allow the Local Authority to board it up in an emergency.</p>
Blocked or defective drainage or private sewers.	<p><i>Local Government (Miscellaneous Provisions) Act 1976, s35.</i></p> <p><i>Building Act 1984, s59.</i></p> <p><i>Public Health Act 1961, s17.</i></p>	<p>To require the owner to address obstructed private sewers.</p> <p>To require the owner to address blocked or defective drainage.</p> <p>To require the owner to address defective drainage or private sewers.</p>
Vermin (where it is either present or there is a risk of attracting vermin that may detrimentally affect people's health).	<p><i>Public Health Act 1961, s34.</i></p> <p><i>Prevention of Damage by Pests Act 1949, s4.</i></p> <p><i>Public Health Act 1936, s83.</i></p> <p><i>Environmental Protection Act 1990, s80.</i></p> <p><i>Building Act 1984, s76.</i></p>	<p>To require the owner to remove waste so that vermin is not attracted to the site, to destroy an infestation and to remove any accumulation prejudicial to health.</p>
Unightly land and property affecting the amenity of an area.	<p><i>Public Health Act 1961, s34 (see above).</i></p> <p><i>Town and Country Planning Act 1990, s215.</i></p> <p><i>Building Act 1984, s79.</i></p>	<p>To require the owner to remove waste from the property (see above).</p> <p>To require the owner to take steps to address a property adversely affecting the amenity of an area through its disrepair.</p> <p>To require the owner to address unsightly land or the external appearance of a property.</p>

8.2 Although the enforcement action listed above will not ultimately return a property back into use, it will improve the condition of the property and impact upon the immediate neighbourhood in the short term. The Council will then seek to encourage the owner to bring the property back into use.

## 9.0 Principles for enforcement to bring empty properties back into use

9.1 This policy is aimed at returning long term empty properties back into use. Enforcement action to ensure properties are brought back into use will be based on the Government's Enforcement Concordat which 'aims to protect the public, the environment and groups such as consumers and workers'. The following principles will be adhered to:-

- **Proportionality** This means relating enforcement action to the risks.
- **Consistency** of approach. Taking a similar approach in similar circumstances to achieve similar ends.
- **Transparency** about how the Service operates in order to maintain public confidence and what those regulated may expect from the service.
- **Targeting** of enforcement action towards those properties that give rise to the most serious risk.

9.2 Officers will consider the use of enforcement action in the following circumstances:

- The Council has made numerous attempts to engage with the owner, all reasonable offers of assistance have been made to the owner and these offers have not been acted upon; and
- There is no prospect of the house being brought back into use by the owner within a reasonable timescale
- The property is causing a significant problem in the local neighbourhood

9.3 The Council will not use enforcement action until all other avenues to encourage the owner to bring the property back into use have been exhausted. The Council will use enforcement action where the owner is not engaging with the Council in finding a solution to bring the property back into use or where all avenues to find an absent owner have been explored.

9.4 The Council will use the most appropriate enforcement action to bring the property back into use. The Council will communicate its intentions in plain English or in the appropriate language or method in accordance with the needs of the owner. The owner of the property will be made aware of the advice and support that the council can provide to assist the owner to bring the property back into use and the enforcement powers it may use, including the relevant timescales and processes.

9.5 The decision to take enforcement action such as the enforced sale of the property, an Empty Dwelling Management Order or Compulsory Purchase Order will be made under delegated authority to the Assistant Director of Housing & Contracts in consultation with the Portfolio Holder for Housing. This will ensure that approval is only granted in circumstances where it is considered appropriate to undertake enforcement action.

9.6 Once made aware of the intention to use enforcement action, the owner will be given a period to consider their options and appeal against the proposed action. Details of the Council's complaints and appeals processes will be

provided at the outset. The enforcement process will be open to review at any time during the process if circumstances change.

- 9.7 The Council will undertake enforcement action as promptly and efficiently as possible in order to minimise delays. The Council will seek to ensure that cases are dealt with in a consistent manner. All officers undertaking enforcement action to return empty properties back into use will be suitably trained, qualified and authorised to ensure that they are fully competent to undertake enforcement duties.

## 10.0 Enforcement Powers

- 10.2 **Enforced Sale** – The Enforced Sale procedure permits the Council to serve a notice on the property owner to request payment of all outstanding charges such as Council Tax and any works carried out in default following action taken under the legislation detailed in 8.1. If payment remains outstanding after 3 months after the notice expires, it allows the Council to proceed with enforcing the sale of the property to recover the charge(s).

The criteria for using an Enforced Sale would be:

- The total debt on the property should exceed £500
- The property is vacant

The Enforced Sale procedure may be halted prior to its sale by the owner of the property by paying any outstanding debt owed to the Council. It is not guaranteed that any long term empty property will be returned to use as a result of Enforced Sale procedure. However, it is likely that anyone purchasing such a property intends to return it to use.

- 10.3 **Empty Dwelling Management Orders (EDMO)** – Under the Housing Act 2004, the Council can apply to the Residential Property Tribunal for an EDMO to be made if a dwelling has been empty for two years or more. An EDMO allows the Council to take over the management of badly let or vacant properties for initially a 12 month period, followed by a 7 year period. Any costs incurred in improving the property to the Decent Homes Standard are recovered from the rent. Ownership is not removed and there can be no charge against the property for repairs. Once let repair costs and management fees could be recouped from the rental payments. This option should be used where the costs incurred to bring the property to a habitable standard could be recovered from the rental income from the property.
- 10.4 **Compulsory Purchase Order (CPO)** – Under either S17 Housing Act 1985 (if in good appearance) or S226(1)(a) Town and Country Planning Act 1990 (if the property is in a poor condition), the Council can take this action to purchase the property from the owner and then sell the property. A condition on the sale contract can be added to ensure that the property is brought back into use within an agreed timescale. This would action would only be used as a last resort when all other options have been exhausted and have failed to convince the owner of a long term empty property to return it to use voluntarily, or where a charge against the property has been paid halting Enforced Sale proceedings.



## EXETER CITY COUNCIL

### SCRUTINY COMMITTEE – ECONOMY 7 MARCH 2013

#### EXECUTIVE 19 MARCH 2013

#### PREPARATION OF KNOWLEDGE ECONOMY STRATEGY 2013- 2018

#### 1. PURPOSE

- 1.1 To seek support for the preparation of a strategy and action plan setting-out how the City's economy could benefit from focussing on the development and attracting of science and technology organisations, creating high quality employment.

#### 2. BACKGROUND

- 2.1 The Development of the knowledge economy has been an ongoing priority for sometime for the City Council and its existing Economic Development Strategy, and in its partnership working with its neighbours, East Devon District Council, Devon County Council, the University of Exeter, Peninsula College of Medicine and Dentistry, Exeter College, the Met Office and others. The current ongoing economic difficulties and the uncertain future facing different sectors in the city, have lead to a realisation that the city has to embrace the need for managed change in its economy and that it has had to deliver the infrastructure needed to support and facilitate economic growth.
- 2.2 The knowledge economy is described as being based around activities which create value from exploiting knowledge and technology rather than physical assets and manual labour. It is growing primarily because consumer demand has increased for different types of products and services, and because the methods involved in making them are changing. New highly skilled jobs in developing, managing, and applying these knowledge based assets are replacing older technologies and approaches. The economic drivers resulting from these changes represent a fundamental and sometimes considered irrevocable shift in how organisations work, apply their resources, create value, change employment practices and where they choose to operate.
- 2.3 Against a background of reducing average income levels and enforced restructuring of the economy, supporting the growth of higher value jobs is an essential element of looking to the future success of the city. There is no room for complacency arising out of the relative positive position of the city's economy. In the short to medium term, supporting the creation of such employment opportunities will be especially important as the city seeks to recover from the recession. In order to facilitate recovery and growth, it will be important to be clear about and play on the city's strengths, identify its relevant key assets and be realistic about the sources from which growth is likely to come.
- 2.4 Recent developments and the achievements of key organisations in the city have created what might be regarded as a platform for facing up to the key challenges to

growing the city's knowledge economy. A proposed strategy will build upon the opportunities arising out of:

- Exeter's position as a principal economic driver and its relationship with the wider "real" economic geography of the city, including its economic relationships with East Devon, Mid Devon and Teignbridge.
- rationalising and promoting the city as a prime location for investment and relocation
- the important strategic developments including the Exeter Science Park, Skypark Business Park, and existing developments, organisations and networks such as the Innovation Centre, the Met Office and the "Exist" initiative by the Chamber of Commerce
- the research and development strengths of the University of Exeter, recently acclaimed as University of the Year with its developing world class research environment with positive engagement and knowledge transfer between users of research in industry, government and the third sector.
- the above national average level of employment in the knowledge economy in the area and the above average skills levels
- the high quality of life in the city and surrounding area

### **3. PROPOSAL**

- 3.1 It is recommended that specialist advice is sought and provided to the City Council, and to key partners, on the potential opportunities to grow the city's knowledge economy further as a focus for attracting investment and renowned expertise, growing businesses, developing new sources of business activity for local companies, and creating employment opportunities for local people.
- 3.2 A strategy needs to be developed to set out the opportunities for growing the knowledge economy and key realistic and achievable actions that should be taken to realise these opportunities. The strategy should identify and deal with barriers to progress which might be related to the workforce and skills, access to finance, sites and premises, issues affecting the productivity of the area, targeting key potential "anchor" organisations and the perception of the area.
- 3.3 The consultants will be required to engage with other key agencies and major private and public (including academic) sector organisations involved in or whose activities influence economic development in the Exeter economy and who will be instrumental in achieving the aims of the strategy.
- 3.4 The consultants will be required to include realistic recommendations for how key proposals could be achieved and resourced.

### **4. FINANCIAL IMPLICATIONS**

- 4.1 It is estimated that the cost of this piece of work should be no more than £20,000, but that measures will be taken to produce the strategy for less.
- 4.2 The project can be funded from the unallocated element of the New Homes Bonus receipts.

**5. RECOMMENDATION that:**

- 5.1 Scrutiny Committee – Economy agree that a strategy be developed to promote the further development of the city's knowledge economy.
- 5.2 Executive approve funding of up to £20,000 be provided to secure specialist advice to prepare the strategy.

**RICHARD BALL  
ASSISTANT DIRECTOR ECONOMY**

Local Government (Access to Information) Act 1985 (as amended)

**Background papers used in compiling this report:**

None

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## EXETER CITY COUNCIL

### SCRUTINY COMMITTEE – ECONOMY 7 MARCH 2013

#### EXECUTIVE 19 MARCH 2013

### CITY CENTRE BUSINESS IMPROVEMENT DISTRICT

#### 1. PURPOSE

- 1.1 To propose City Council support and funding towards the costs of establishing a City Centre Business Improvement District (BID).

#### 2. BACKGROUND

- 2.1 Members previously supported the development of a BID for Exeter City Centre in 2011. A BID is an area within which local businesses agree, through a local ballot, to levy a supplementary rate in addition to their business rates, to support a programme of activities and improvements in that area. Legislation enacting Business Improvement Districts came into force in September 2004.
- 2.2 The businesses in the designated area are primarily responsible for drawing up the BID proposal which is the subject of the vote. This includes a business plan, an indication of the facilities or services which will be provided within the BID, the geographical area, and the amount to be levied on each business.
- 2.3 A BID can be established for a period of up to, but not exceeding five years and, if extended for a longer period, must be subject to a further vote.
- 2.4 BIDs have been delivering a wide range of improvements to local areas from town/city centres and business parks to complete market towns. Successful BIDs across the country have claimed the following benefits:-
- improvement of existing services or facilities, or securing finance for initiatives that enhance a local area;
  - making areas cleaner and safer, including addressing inaccurate negative perceptions where this is more the case
  - enhanced marketing and entertainment to attract visitors
  - attracting inward investment and development
  - improving/developing tourism attractions
  - improvement in communication between the Council and local businesses in order to address agreed issues and priorities
- 2.5 Approval to “make BID arrangements” to hold a ballot for a proposed BID has to be sought by application to the Secretary of State. In summary the arrangements involve:-
- the BID proposer notifying the Secretary of State at least 84 days before the notice of ballot is issued of the intention to hold a ballot

- the BID proposer notifying the local authority of their wish to hold the ballot
- the local authority arranges for the notice of the ballot to be published to the voters (at least 42 days prior to the date of the ballot)
- ballot packs including the proposal sent out (at least 28 days prior to the day of the ballot)
- final ballot day (within 90 days of notice of ballot)
- ballot results announced (usually within a day of ballot closing)
- 28 days allowed for veto requests
- implementation day (within 365 days of notice submitted to the local authority)

2.6 BID proposals are not regarded as approved by a ballot unless two conditions are satisfied; the first, removing the risk that the majority of smaller operators will be outvoted by a small number of larger organisations.

- that a majority of the persons voting in the ballot have voted in favour of the BID proposals and
- that A exceeds B where: –
  - A: is the aggregate of the rateable values of each hereditament in respect of which a person voting in the ballot has voted in favour of the BID proposals
  - B: is the aggregate of the rateable value of each hereditament in respect of which a person voting in the ballot has voted against the BID proposals.

2.7 BID arrangements may be reviewed by additional ballots, for one or more periods, each no more than 5 years. Changes to the operation of a BID area also require a ballot of those who are liable for the payment of the levy.

2.8 A ballot to establish a BID in the city centre was held in July 2011 and failed by a narrow margin.

### **3. PROPOSAL**

3.1 Members received a report on the draft City Centre Strategy at the Scrutiny Economy and Executive meetings in January. The draft, agreed as the basis for widespread consultation, will be the subject of future discussions and revision prior to the final document being approved as the agreed City Centre Strategy to be taken forward by the City Centre Partnership in conjunction with all the key partners, including the City Council and Devon County Council.

3.2 The City Centre Strategy will include a number of proposed actions which will not be deliverable without the potential substantial resources which could be secured by a successful BID proposal – the BID Business Plan.

3.3 It is likely the BID proposals will at least include the following aims:-

- increase new and repeat customers – promoting the area, its attractions and events
- improve the visitor and resident experience – making the area brighter, cleaner and safer

- provide a significant financial resource to make a real difference to business success, protect and create employment, and support projects targeted at specific areas of the city centre
- introduce a positive brand and profile – involving pro-active promotion of development and investment opportunities
- help to attract and retain quality staff
- encourage and co-ordinate proactive strong businesses groupings around the city centre – to collaborate on key projects or address issues in their locality
- be fair and inclusive – allocating BID funds to benefit all businesses in the city centre
- act in a honest and transparent way – proposals would be decided by businesses, developed by businesses, delivered by businesses.

3.4 Development of a BID proposal and Business Plan will include the preparation of baseline statements covering central services provided by the City Council, Devon County Council and other organisations responsible for services and activities in the city centre. It is likely the BID Business Plan will include proposals to enhance these services funded by the BID levy.

3.5 The services and projects contained in the final proposal document will have been subject to extensive consultation and communication with the business community in the city. The final Plan will also be brought before Members for approval as they will include financial and other commitments from the City Council.

3.6 The development of the BID Business Plan and undertaking the campaign and BID vote process requires funding. It is estimated the total cost to prepare the BID Business Plan and prepare for and undertake the ballot will be £50,000. The BID proposals need to involve and be taken forward by the business community including the Chamber of Commerce and other business organisations and representatives of specific areas of the city centre.

#### **4. FINANCIAL IMPLICATIONS**

4.1 It is proposed that the City Council contribute up to £25,000 towards the costs of the preparation of the Business Plan and holding of the ballot. The balance should be met by funds and measurable in-kind contributions from the business community.

4.2 The City Council's contribution can be met from the unallocated element of the New Homes Bonus funding.

4.3 The City Council's annual liability for the additional levy payment would be about £24,000 at the time of writing this report. Therefore, provision would have to be set aside in the relevant individual council budgets for the additional funding to meet the BID levy requirements. If the BID vote was successful in early 2014 then this liability would occur from financial year 2014/15.

#### **5. RECOMMENDATION that:**

5.1 Scrutiny discuss and confirm its support for the development of a City Centre Business Improvement District.

- 5.2 Executive approve up to £25,000 towards the costs of the preparation of the BID Business Plan, and for the holding of the ballot.

**RICHARD BALL**  
**ASSISTANT DIRECTOR ECONOMY**

Local Government (Access to Information) Act 1985 (as amended)

**Background papers used in compiling this report:**

Report to Scrutiny Committee – Economy dated 9 June 2011 and Executive 21 June 2011.



## EXETER CITY COUNCIL

### SCRUTINY COMMITTEE – ECONOMY 7 MARCH 2013

#### EXECUTIVE 19 MARCH 2013

### PRODUCTION OF PROMOTIONAL VIDEO

#### 1. PURPOSE

- 1.1 To seek support for the production of a promotional video (also known as a Vodcast) that will appear on Exeter City Council's website and be available in an edited format for personal presentations.

#### 2. BACKGROUND

- 2.1 The City Council undertakes a range of marketing activities to promote the city for investment and to continually raise its profile. This is against the background of most growth orientated cities in the UK also promoting themselves proactively and some very effectively with lively imagery and a combination of a range of communication techniques and convincing current presentations.
- 2.2 Exeter City Council's website [www.exeter.gov.uk](http://www.exeter.gov.uk) is currently very successful in that the home page receives approximately 18,500 page views each month. It is highly optimised which means that Exeter City Council pages will often come at or near the top of a Google search.
- 2.3 The Business section [www.exeter.gov.uk/business](http://www.exeter.gov.uk/business) is the main point of contact for businesses seeking information about business support available, the Commercial Property Register, other business related issues involving the Council and acts as a key mechanism for promoting investment in the city. The Business Section home page receives approximately 600 page views each day and 19,000 each month, many visitors bypassing the home page to reach the business section direct.
- 2.4 Around 92% of the 1,000+ enquiries received each year related to business sites or accommodation searches arrive via the Exeter City Council business web pages.
- 2.5 It has now been recognised that the business pages of the website in particular are less effective because of changes in the ways people use technology. Attention spans have become shorter. Videos on websites are engaging ways that enable key messages to be better communicated in a 'time poor' culture.
- 2.6 The growing use of videos on websites by partners such as University of Exeter and also our competitors has led to a realisation that the City Council has to embrace this form of presentation in order to achieve the desired impact or be left behind.
- 2.7 Senior officers and directors at Exeter City Council often make presentations to organisations that are considering relocation. Such presentations can be significantly enhanced and greater impact using an effective video-based element embedded within them, bringing the city and its advantages to life.

### 3. PROPOSAL

- 3.1 It is recommended that a specialist film production company should be used to create the video and three local companies have been asked to estimate likely costs.
- 3.2 It is possible to get a video made cheaply. However, if Exeter City Council is to maintain its normal standards of excellence, it is strongly advised to use industry specialists and not to be tempted by false economies. Having a weak video would be worse in commercial and reputation terms than having no video at all.
- 3.3 For the stated budget of £18,000, industry specialists would be able to provide a film that would bring their full production acumen to bear. The film would encapsulate the key message of Exeter as a centre of business excellence, demonstrating the benefits of business relocation to the city.

They would generate concepts, storyboards and spend time in research, carefully selecting a series of high-profile interview subjects and developing themes in the production that would generate an effective identity for the city.

The film would benefit from thorough research and development, strong concept options and the greatest possible variety of footage to best promote Exeter. The film would be dynamic and involving and would include set-pieces in and around city landmarks. High-quality graphics and CGI (computer generated imagery) where appropriate would bring the narrative to life and best display the full array of opportunity the city has to offer the individual and the business community.

- 3.4 A 2 minute (approx.) highlight edited version will be produced for use in presentations, trade fairs etc. when the longer format is not necessarily appropriate.

### 4. FINANCIAL IMPLICATIONS

- 4.1 It is estimated that the cost of this piece of work should be no more than £18,000.
- 4.2 The immediate costs of the project can be funded from the unallocated element of the New Homes Bonus receipts.

### 5. RECOMMENDATION that:

- 5.1 Scrutiny Committee – Economy agree that a video be produced to promote the advantages of the city for local and relocating businesses.
- 5.2 Executive approve funding of up to £18,000 to produce a 5 minute video to be included on the Exeter City Council website and a shorter edited version to be available for separate presentations.

**RICHARD BALL**  
**ASSISTANT DIRECTOR ECONOMY**

Local Government (Access to Information) Act 1985 (as amended)

**Background papers used in compiling this report:**

None

## EXETER CITY COUNCIL

EXECUTIVE  
19 MARCH 2013

### EXETER ST JAMES FORUM NEIGHBOURHOOD PLAN

#### 1.0 PURPOSE OF REPORT

- 1.1 To inform Members about the outcome of the Exeter St James Neighbourhood Plan examination, to agree the Council's response to the Examination report and to grant delegated powers to take the process forward to referendum.

#### 2.0 BACKGROUND

- 2.1 Members will recall that the Localism Act included measures relating to the introduction of Neighbourhood Planning, established to give members of the community a more hands on role in the planning of their neighbourhood. The Exeter St James Neighbourhood Plan will establish general policies for the development and use of land in the St James neighbourhood area which corresponds with the ward.
- 2.2 Members of the Exeter St James Forum presented the Plan at the Planning Member Working Group on the 16 October 2012, and a report to Executive on the 20 November 2012 informed Members of progress on the production of the Plan, agreed the Council's response to the consultation process and granted delegated powers to take the process forward.

#### 3.0 PROGRESS SO FAR

- 3.1 Exeter St James Forum has made impressive progress in producing a Neighbourhood Plan. Whilst they were only in the fourth round of front-runners (those communities for whom Councils received funding to take Neighbourhood Planning forward) they are now second in the country. Planning Minister Nick Boles comments:

*"This is a big milestone for both neighbourhood planning and Exeter. The city is leading the way in using neighbourhood planning to address local challenges and showing other urban areas how they can do the same. It's an impressive feat being the first urban forum to pass independent examination and I wish Exeter St James Forum and the City Council the very best as they proceed."*

- 3.2 The second and third of the five key stages of neighbourhood planning 'Preparing the Plan' and the 'Independent Examination' have now been completed (see Appendix A for a summary of the Key Stages of Neighbourhood Planning).
- 3.3 Once Exeter St James Forum had completed its consultation (on 23 November 2012), it made changes to the Plan in response to comments received and the final document was drafted. The Plan, together with various supporting documents, was then submitted to Exeter City Council. The Council publicised the document on its website and by way of site notices within the St James neighbourhood area. With the agreement of Exeter St James Forum, Exeter City Council appointed an examiner to check the Neighbourhood Plan was in accordance with the legislative requirements.

3.4 Once the six week publicity period was over (on the 8 February) the examiner undertook the independent examination to ensure the Plan met the basic conditions. The basic conditions (set by legislation) are that the plan:

- complies with national policy and advice contained in guidance issued by the Secretary of State
- contributes to the achievement of sustainable development
- is in general conformity with the strategic policy of the development plan for the local area
- is compatible with EU and human rights obligations

The examiner is required to reach one of three conclusions; that the plan proceeds to referendum as submitted, the plan is modified to meet the basic conditions and then proceeds to referendum, or the plan does not proceed to referendum.

#### **4.0 THE INDEPENDENT EXAMINATION**

4.1 The Examiner's report was received on the 14 February 2013. The report concludes that, with a few minor modifications, the Plan will meet the basic conditions and should proceed to referendum.

4.2 The minor modifications recommended relate to:

- Ensuring there is a clear definition of the 15 year plan period
- Amending the wording for Policy EN2 Hoopern Valley to ensure that development that does not detract from the landscape or ecological value of the area is allowed to go ahead
- Amending the wording of Policy EN6 Biodiversity to ensure the policy does not make unreasonable requirements on the timing to biodiversity enhancements
- Deleting the word 'contemporary' from a number of policies to ensure clarity and to conform with local and national policy
- Amending the supporting text to Policy C2 Large Scale Purpose Built Student Accommodation to ensure it is clear where the policy applies
- Inserting the word 'not' into sub-paragraph 'b' of Policy C4 to ensure the policy's meaning is clear
- Deleting some text under the heading 'Howell Road Car Park' to ensure clarity and to ensure conformity with national policy guidance
- Substituting the word 'may' for the word 'should' in the supporting text to policy T2 Strategic Traffic to ensure consistency with the policy text

4.3 The report also makes some comments regarding corrections to two other parts of the plan. The text associated with the partnership project to address transport issues incorrectly gives the impression that this project was prioritised by the community. It is suggested that this should be corrected. The text will be amended to ensure it is clear that this proposal was introduced to address concerns raised during consultation. The inspector also comments that the terminology used in the transport policies and supporting text is inconsistent (with various references to 'strategic traffic', 'non-resident traffic' and 'through traffic'). This should be corrected to ensure clarity. The terminology will be simplified to refer to 'through traffic'.

4.4 The report concludes 'the plan, as amended following consideration of my recommendations, should be submitted to a referendum'.

4.5 The full examiner's report is attached at Appendix B.

## **5.0 DECISION STATEMENT**

5.1 The Council needs to determine:

- What modifications, if any, are to be made to the draft plan
- Whether to extend the area to which the referendum is to take place
- What action to take in response to the recommendations of the examiner

5.2 What modifications, if any, are to be made to the draft plan:

The minor modifications suggested by the examiner (and summarised at paragraph 4.2) will result in a plan that meets the basic conditions and these modifications should therefore be made. A number of minor errors, including those identified by the examiner (and summarised at paragraph 4.3), should also be corrected prior to going forward to referendum (see Appendix C).

5.3 Whether to extend the area to which the referendum is to take place:

The examiner has concluded that the referendum area does not need to be extended beyond the neighbourhood area to which the plan relates. The local planning authority is required to make a decision on the referendum area informed by the examiner's conclusions. There appears to be no reason to take a different view on this issue.

5.4 What action to take in response to the recommendations of the examiner:

The examiner concludes that with a few minor modifications the Plan will meet the basic conditions and should proceed to referendum. The Localism Act 2011 places a duty on local authorities to hold a referendum where a neighbourhood plan has a successful examination and the local planning authority is satisfied that it meets the basic conditions set out in the legislation. A successful examination has taken place and the Council has no reason not to concur with the examiner's view that the basic conditions have been met; accordingly with the suggested modifications made it is recommended that the Plan proceed to referendum.

5.5 As soon as possible after making these decisions the Council must publish 'a decision statement' explaining the decisions taken and the reasons for these decisions. The decision statement will be published on the website and made available for inspection in the Customer Service Centre at the Civic Centre. A copy of the draft decision statement is attached at Appendix D.

## **6.0 REFERENDUM**

6.1 The legislation requires that the plan should proceed to the referendum stage in a timely manner. The referendum on the Exeter St James Neighbourhood Plan can be combined with the County Council elections on the 2 May 2013 which may lead to a better turn out.

6.2 Regulation 4 of the Neighbourhood Planning (Referendum) Regulations 2012 sets out the information that must be made available in relation to the referendum. Not less than 28 working days before the date of the referendum (on the 21 March 2013) the Council must publish on its website and make available for inspection an information statement together with specified documents. The information statement should specify:

- That a referendum will be held
- The date of the referendum
- The question to be asked
- A map of the referendum area
- A description of those entitled to vote
- The referendum expenses limit applicable and the number of people identified

- as entitled to vote on which the limit was calculated
- That the referendum will be conducted in accordance with procedures similar to those for a local government election
- The address and times at which a copy of the specified documents can be inspected

The specified documents are:

- The draft Neighbourhood plan
- The independent examiner's report
- A summary of representations submitted to the examiner
- A statement that the Council is satisfied that the plan meets the basic conditions
- General information on town and country planning, including neighbourhood planning to ensure voters have sufficient knowledge to make an informed decision

6.3 A copy of the proposed Information Statement is attached at Appendix E. The specified documents will be in the Members' room.

## **7.0 WHAT NEXT?**

7.1 Where a referendum results in a majority Yes vote (i.e. over 50%) the Council must adopt the neighbourhood plan as soon as reasonably practicable for it to come into legal force (the final stage of the neighbourhood planning process). The decision to adopt the Plan will be taken by full Council. The Plan will then become part of the statutory development plan.

## **8.0 RECOMMENDATION**

8.1 That Executive offers its congratulations to Exeter St James Forum on the progress made so far.

8.2 That Executive resolves:

- (i) That it accepts all of the recommendations made by the Independent Examiner in his report submitted to the Council on 15 February 2013, and that it adopts in full the reasoning of the Independent Examiner in arriving at those recommendations;
- (ii) That the modifications to the draft Exeter St James Neighbourhood Plan referred to in paragraph 4.2 of the committee report shall be made to secure that the draft plan meets the basic conditions;
- (iii) That the modifications to the draft Exeter St James Neighbourhood Plan referred to in Appendix C of the committee report shall be made for the purpose of correcting errors;
- (iv) That it is satisfied that the Exeter St James Neighbourhood Plan as so modified:
  - (a) meets the basic conditions (as set out in Schedule 4B to the Town & Country planning Act 1990); and
  - (b) is compatible with the Convention rights (within the meaning of the Human Rights Act 1998); and
  - (c) complies with the provision concerning neighbourhood development plans made by or under Sections 38A and 38B of the Planning and Compulsory Purchase Act 2004;

- (v) That the decision statement to publicise the result of the Exeter St James Neighbourhood Plan examination be issued on 20 March 2013 in the form, or substantially in the form, of the draft decision statement at Appendix D of the committee report;
- (vi) To proceed to carry out a referendum on the Exeter St James Neighbourhood Plan as so modified, and for that purpose to issue the information statement in the form, or substantially in the form, of the draft information statement at Appendix E of the committee report, together with the specified documents referred to in paragraph 6.2 of the committee report, on 21 March 2013;
- (vii) That it is not appropriate to extend the area in which the referendum is to take place beyond the existing designated Exeter St James Neighbourhood Area;
- (viii) To authorise the Assistant Director City Development, the Electoral Services Manager or other appropriate officers to undertake all necessary action to proceed with the referendum and (if more than half of those voting in the referendum vote in favour of the plan) to seek adoption of the draft Exeter St James Neighbourhood Plan by full Council.

**RICHARD SHORT**  
**ASSISTANT DIRECTOR CITY DEVELOPMENT**

**Local Government (Access to Information) Act 1985 (as amended)**  
**Background papers used in compiling this report:**  
None

## KEY STAGES TO NEIGHBOURHOOD PLANNING

There are five key stages to neighbourhood planning:

### 1. Defining the neighbourhood

Local people will need to decide which organisation should lead on co-ordinating the local debate. In some places, existing community groups may want to put themselves forward. In other places, local people might want to form a new group. In both cases, the group must meet some basic standards. It must, for example, have at least 21 members, and it must be open to new members.

Community groups will then need to apply to the local planning authority identifying the area and submitting information about the group. If the local planning authority decides that the community group meets the right standards, the group will be able to call itself a 'Neighbourhood Forum'. A Neighbourhood Forum can then get going and start planning for their neighbourhood.

### 2. Preparing the Plan

Next, local people will begin collecting their ideas together and drawing up their plans.

With **a neighbourhood plan**, communities will be able to establish general planning policies for the development and use of land in a neighbourhood.

With **a neighbourhood development order**, the community can grant planning permission for new buildings they want to see go ahead.

Local people can choose to draw up **either** a plan, **or** a development order, or **both**. It is entirely up to them. Both must follow some ground rules:

- They must generally be in line with local and national planning policies
- They must be in line with other laws
- If the local planning authority's says that an area needs to grow, then communities cannot use neighbourhood planning to block the building of new homes and businesses. They can, however, use neighbourhood planning to influence the type, design, location and mix of new development

### 3. Independent Examination

Once a neighbourhood plan or order has been prepared, an independent examiner will check that it meets the right basic standards.

### 4. Community Referendum

The local council will organise a referendum on any plan or order that meets the basic standards. This ensures that the community has the final say on whether a neighbourhood plan or order comes into force.

If more than 50 per cent of people voting in the referendum support the plan or order, then the local planning authority must bring it into force.

### 5. Legal Force

Once a neighbourhood plan is in force, it carries real legal weight. Decision-makers will be obliged, by law, to take what it says into account when they consider proposals for development in the neighbourhood.



**APPENDIX B**

**St James Exeter Neighbourhood Plan**

**Report by Examiner**

**Graham Self**

February 2013

## Introduction

1. I was appointed in January 2013 as the independent examiner for the St James Exeter Neighbourhood Plan. This plan has been prepared by the Exeter St James Forum, with the support of various bodies including Exeter City Council. The Forum was given "front runner" (pilot project) status in 2011 and the plan is one of a small number of neighbourhood plans to have reached examination stage, following legislation introduced by the Localism Act 2011.
2. The examiner's role is to provide an independent review of the plan and to make recommendations as appropriate, in accordance with requirements set out in the Act and related regulations. In particular, the examiner has to consider whether the plan meets certain basic conditions, satisfies legal requirements, and identifies an appropriate area for a referendum.
3. The basic conditions just mentioned are important, because they are intended to ensure that neighbourhood plans fit with the wider context. In summary,<sup>1</sup> the plan must:
  - have regard to national planning policies and guidance;
  - contribute to achieving sustainable development;
  - be in general conformity with the strategic policies of the development plan;
  - be compatible with European Union law and human rights obligations.
4. National policy is set out in the National Planning Policy Framework 2012 (NPPF). The development plan applicable in this instance consists of several documents, including in particular the Exeter City Core Strategy adopted in 2012. (I comment further on the development plan in paragraphs 17-19 below.) I consider development plan policies on matters such as design, the natural environment, sustainable development and transport to be "strategic" policies.
5. The legislation does not permit me to examine the soundness or quality of the plan. Thus I am not allowed to make recommendations aimed solely at improving the plan. However, I have had regard to the statement in the NPPF that: "plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency".<sup>2</sup> There are aspects of the plan which I think affect its clarity or practicality to an extent which can properly be judged as not having regard to this point of national policy and therefore not meeting one of the basic conditions. Where that is so, I have made recommendations, even though some of them would have the incidental effect of improving the plan.
6. The version of the plan sent to me for examination contains some textual flaws, most of which appear to be typographical or printing errors. The Neighbourhood Forum is aware of most of these. I have also written separately to the City Council and to the Forum drawing attention to a few other points where I think consideration should be given to making minor corrections - I cannot make recommendations on these points as part of this report, for the reason explained in the previous paragraph.

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<sup>1</sup> For information and reference purposes I list the basic conditions more fully in Appendix 1.

<sup>2</sup> NPPF paragraph 17.

7. The main documents which I have read or referred to, all of which were sent to me by the City Council, are as follows. (The titles and dates are taken from the front covers of the documents).
- St James Exeter Neighbourhood Plan.<sup>3</sup>
  - Introduction to Neighbourhood Plan and Basic Conditions Statement, Exeter St James Neighbourhood Plan, December 2012.
  - Consultation Statement, Exeter St James Neighbourhood Plan, December 2012.<sup>4</sup>
  - Evidence Base, Exeter St James Neighbourhood Plan, 14th December 2012.
  - Exeter St James Forum Neighbourhood Plan, Planning Policy Appraisal, December 2012.
  - Exeter St James Neighbourhood Plan, Sustainability Appraisal, Exeter St James Forum, December 2012.
8. Other documents I have referred to include the online-published version of the City Council's Core Strategy.
9. The closing date for objections or other representations to be made following the most recent public consultation (that is to say, consultation on the "examination draft" of the plan) was 8th February 2013. Only three representations were received; two (from English Heritage and Natural England) expressed support for the plan or made general comments. One representation, on behalf of Land Securities, expressed support for some aspects of the plan but "some concern" about the approach to traffic issues, with particular reference to Project 6 on page 19 and Policy T2.
10. In these circumstances it has not been necessary for me to hold any hearing or to make any site inspections. Some information has been supplied to me in writing by both the City Council and the Neighbourhood Forum, about the status and scope of the Exeter development plan and about the textual errors mentioned above.<sup>5</sup>
11. I have set out this report in the following sequence. In the next section I comment on general matters: procedural aspects relating to the preparation of the plan; the plan period; and some points about the development plan. I then review each policy or group of policies and the relevant supporting text, in plan order, and give reasons why in some instances I make recommendations for changes. A summary of the recommendations then follows. Where I do not discuss any particular policy, I do not have any comment on it.

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<sup>3</sup> As can be seen from the list here, in the other documents sent to me the plan is named as the "Exeter St James Neighbourhood Plan". It appears that at some stage in late 2012 the plan was re-named "St James Exeter Neighbourhood Plan", although the Forum is still called the "Exeter St James" Forum.

<sup>4</sup> This includes as Appendix 10 a copy of the previous draft Neighbourhood Plan.

<sup>5</sup> This information has been supplied by means of email exchanges with the City Council and the Forum.

## General Matters

### Plan Preparation Procedures

12. Exeter City Council designated the area comprising the electoral ward of St James as a Neighbourhood Area for the purpose of preparing a neighbourhood plan on 25 June 2012, in accordance with the relevant regulations.<sup>6</sup> The Exeter St James Forum was designated as a qualifying body entitled to prepare a neighbourhood plan for the area in August 2012. Various public meetings were held during 2011 and 2012, including "drop-in" sessions in November 2011 and April 2012. A draft plan was prepared and was subject to public consultation during October and November 2012. Comments were analysed before production of the "examination draft" version.
13. The plan has evidently been suitably advertised; no objections have been made known to me about the constitution of the Forum or the way the plan has been prepared. Other regulatory requirements, such as screening for strategic environmental assessment and habitat regulations assessment, have also been met.
14. In summary, the written material available to me indicates that appropriate steps have been taken to prepare the plan in accordance with current legislation. I consider that the plan is compatible with EU law and human rights obligations.

### Plan Period

15. The law requires that a neighbourhood plan must specify the period for which it is to have effect. At the bottom of page 9 of the plan - rather tucked away between two sentences referring to a different matter ("priority projects") - there is a sentence stating: "The policies in the plan will apply for the next 15 years." However, the version of the plan sent to me for examination does not have a publication date. Without a "start date", the plan lacks a defined plan period.
16. This could be rectified in several ways. One option would be to label the front cover with dates. (A modified front cover will have to be produced anyway so that the "referendum version" of the plan can be differentiated from the "examination version".) For example, if the period is intended to be 15 years from 2012, the title could be: "St James Exeter Neighbourhood Plan 2012-2027" (or 2013-2028, if that is the intended period). Alternatively or in addition, the proposed plan period could be defined in the introduction - preferably, I suggest, more prominently than in the sentence on page 9. Either way, the plan period needs to be defined somewhere in order to meet legal requirements.

### The Development Plan

17. I have had some difficulty establishing exactly what constitutes the statutory development plan for this area - a necessary step for assessing the neighbourhood plan against the "basic conditions". The 2012 Core Strategy for Exeter states (at paragraph 1.9):

"The Statutory Development Plan for Exeter will comprise these DPDs<sup>7</sup> [this refers to the 'Core Strategy DPD' and the 'Site Allocations and Development Management DPD'], together with the Mineral and Waste DPDs."

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<sup>6</sup> Town and Country Planning (England) Neighbourhood Planning (General) Regulations 2012.

<sup>7</sup> DPD = Development Plan Document.

18. What the Core Strategy does not make clear is that as at 2012 and continuing into 2013 (that is to say, into the future after the adoption of the Core Strategy), the statutory development plan also comprises "saved policies" from the 2005 First Review of the Exeter Local Plan. I have sought to clarify this matter<sup>8</sup> and as far as I can establish, at the time of writing this report in February 2013 the Site Allocations and Development Management DPD (which is quoted in the Forum's Policy Appraisal) is *not* part of the statutory development plan; but saved policies from the 2005 Local Plan Review *are* part of the statutory development plan.<sup>9</sup>
19. According to the first page of the Forum's "Planning Policy Appraisal" document, the local plan against which the Neighbourhood Plan policies were appraised was the Exeter City Council Local Plan 2004. I understand that this is an error, and that all the local plan policies referred to in the Forum's appraisal are taken from the 2005 First Review.<sup>10</sup> (In practice the policies may not materially differ, but I have not checked against the 2004 plan as it is apparently not part of the statutory development plan.) References elsewhere in this report to the "local plan" should therefore be taken to refer to the 2005 First Review.

## The Plan and its Policies

### Use of the word " normally" in policies

20. I have some reservations about the use of the word "normally" in policies. This applies to policies EN2, EN4, EN5, EN6 and C5. Taking the first two as examples, Policy EN2 states:
- "Development in the Hoopern Valley Park will not normally be permitted."  
[This policy then goes on to indicate types of development which may be considered].
21. Policy EN4 states:
- "Development which results in the loss of or significant harm to the ecological or landscape value of private residential gardens will not normally be permitted."
22. Policies of this type were fairly common in development plans around 10-15 years ago, but fell out of general use, partly because they were perceived as duplicating legal provisions under the Town and Country Planning Act. The current Act (as amended by post-1990 legislation) requires that applications for planning permission have to be decided in accordance with the development plan "unless material considerations indicate otherwise". Thus it can be argued that exceptions to policies are already allowed for by the "material considerations"

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<sup>8</sup> This has been by written questions to the City Council.

<sup>9</sup> From various sources including the council's website, the situation can be summarised as follows. The City Council is preparing a Local Development Framework (LDF) which will progressively replace the 2005 Local Plan First Review as the statutory development plan for Exeter. The council has published a Local Development Scheme (LDS) which specifies the Development Plan Documents (DPDs) which will form the LDF. The Core Strategy DPD (which sets out the strategy for development in Exeter up to 2026) has been finalised and adopted, so it has statutory force; but the "saved policies" from the 2005 First Review are also still part of the statutory development plan. Further DPDs will be produced in the future, including the Site Allocations and Development Management DPD which is not yet finalised. (Supplementary Planning Documents, which do not have statutory development plan status, are also being produced.) However, following publication of the NPPF in 2012, Core Strategies and old "saved policies" included in LDFs are now to be called "Local Plans". This complicated situation has occurred after legislation intended to improve the planning system.

<sup>10</sup> The source of this information is an email from the City Council, 6 February 2013.

proviso, and that adding another layer of exceptions by the word "normally" is unnecessary and confusing, especially where the question of what may be normal and what may be abnormal is debatable.

23. As I have previously noted,<sup>11</sup> national policy is that plans should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency. The word "normally" in policies reduces such predictability, so there is a degree of conflict with national policy. Looking at the parts of the Exeter Core Strategy quoted in the Forum's Planning Policy Appraisal document, I have not found any policies which use the word "normally", so there is also some lack of accord with the development plan.
24. The use of "normally" in policies has also been the subject of legal challenge and judgement in the Courts. The fact that such legal argument has arisen is an indication of the sort of problems which can be caused.<sup>12</sup>
25. On the other hand, I can understand why the Forum has framed the policies in the way chosen. The inclusion of the word "normally" conveys what the Forum are trying to achieve through the Neighbourhood Plan, and I think there is sufficient guidance, either in the rest of the policies or in supporting text, for potential developers to know what type of proposal could be acceptable on grounds of "abnormality" or "other material considerations". I also note that the word "normally" is used in the NPPF<sup>13</sup>.
26. On balance, and bearing in mind that no objection has been raised to this aspect of the plan, I judge that the extent of conflict does not make any of the Neighbourhood Plan's policies fail the basic condition requiring them to be in *general conformity* with the *strategic policies* of the development plan. Nor, despite the point about predictability mentioned above, does it make any policies inappropriate having regard to national policy.
27. I conclude that my reservations are not so strong as to justify recommending amendments deleting references to "normally".

#### **Inclusion of "Projects"**

28. The plan includes "priority projects" which the community will seek to bring forward. The plan states (on page 9) that these projects "do not have planning weight but are included in the plan as a focus for community action". Appendix 1 of the plan lists some 31 "key priority projects" and 32 suggestions for other projects.
29. Neighbourhood plans should relate to the development and use of land. Quite a number of the projects listed in the appendix (for example, setting up a community enterprise company or placing a new history board at Danes Castle), do not involve town and country planning, in the sense that they do not relate to the development and use of land. Bearing in mind that the Neighbourhood Plan could become part of the statutory development plan, the status of the projects with regard to planning policies is also unclear.

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<sup>11</sup> Paragraph 5.

<sup>12</sup> An example is the case of *Sefton MBC v Secretary of State for Environment, Transport and the Regions [2002] EWHC 119 Admin*. The High Court held that it would be an error of law to interpret the word "normally" as meaning that a proposal could be found to accord with the development plan because of other material considerations.

<sup>13</sup> For example in paragraph 198, in the statement: "Where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted".

30. Nevertheless I can see why the Forum wanted to include these projects in the appendix. I get the impression from reading the Evidence Base document (including the information about consultation meetings and photographs of discussion groups) that the process of preparing the plan has helped to stimulate ideas among local people and businesses for ways to improve the area generally. Even though some of these projects are not "planning" projects, their inclusion could provide a focus for beneficial community action, and I do not think they would undermine the plan's policies. Therefore I do not find any need to omit or amend the list of projects in Appendix 1 of the plan.
31. I am more concerned about some aspects of Section 6 of the plan, which is mentioned in the representation by Land Securities. The text under the heading "6.1 Projects" explains that: "Six priority projects have been identified in this document....which are described on the following pages". It then states: "A major partnership project is also proposed....to address transport issues within the ward".
32. There is an anomaly here. Six projects plus another "also proposed" adds up to seven; yet only six are described in Section 6 of the plan; and it seems odd that whilst the first five projects described in Section 6 follow the sequence of the first five projects listed in Appendix 1 (that is to say, the sequence of "priority votes" starting with the highest), the sixth project, which is described on page 19 of the plan, does not appear at all in Appendix 1. (The sixth project listed in the appendix is to do with working with conservation volunteers to improve the environment, from the natural environment to the re-pointing of walls.)
33. Having checked the previous draft version of the plan, as I initially thought there might have been a simple omission from the priority list in Appendix 1, I can see that the appendix has not changed. What has changed since the draft is the text of Section 6, which previously referred to only five priority projects. These were broadly similar to the first five projects in Section 6.1 of the examination draft version, and were set out, as was logical, in the sequence listed in Appendix 1.
34. This part of the plan is flawed, because the text in Section 6.1 introduces the six projects by saying that they have been listed and that members of the community have prioritised them - yet this statement only appears from Appendix 1 to be true for the first five projects. I do not doubt that the impact of through traffic (the subject of the sixth project) is an issue of importance to many people in St James. What concerns me is how the plan presents this "major project" in a way which appears to be inconsistent with the treatment of other issues and projects and with the evidence base. There are comments about through traffic in the consultation responses (in Appendix 15 of the Consultation Statement); but in the "summary of main issues in responses" on page 16 of the Consultation Statement there is no mention of the diversion of through traffic as a "main issue". From this evidence it is not clear how "Project 6" came to be inserted into the plan with "major project" status allegedly prioritised by the community.
35. In considering this matter, I am constrained by the limited remit available to an examiner of a neighbourhood plan. Section 6 of the plan does not contain any policies or supporting text to policies, and it cannot be said that a proposal to set up a partnership scheme to work on transport issues conflicts with national policies, or is not in general conformity with the strategic policies of the development plan for Exeter, or fails in any other way to meet the relevant basic conditions. In summary, although this part of the plan meets the basic conditions, it is misleading. Since this is a matter of the plan's soundness and quality, I cannot make any recommendation on it; but I shall make some

comments, leaving those involved to consider them before the plan is finalised. My comments follow.

36. In my view Section 6.1 of the plan needs correcting so that it does not wrongly indicate that what is described as Project 6 has been "prioritised" by members of the community in the same way as the first five projects. This could be done by amending the first part of Section 6.1 so that it refers to five priority projects, as in the previous draft. Much of the text describing the transport partnership project could be incorporated into the existing text under the heading "Delivering the Plan"(editing would be needed to avoid repetition or labelling the project as Project 6). Alternatively, this part of the plan should be re-written in some other way so that the "priority projects" accord with those at the top of the list in Appendix 1, whilst the Forum's intention to work with other bodies on the issues described on page 19 is stated without being called a priority project.

37. I deal with Policy T2 itself later in this report.

#### **Environment Policies (EN1 to EN6)**

38. The first sentence of Policy EN2 could cause problems. It states: "Development in the Hoopern Valley Park will not normally be permitted". The supporting text indicates that there is a strong desire in some sectors of the community to see improved footpath surfacing in the Hoopern valley. From this statement I understand that the desire for improved footpath surfacing is not universal; nevertheless this piece of text does not support a policy under which a proposal to add some form of surfacing to footpaths would conflict with Policy EN2. Depending on the details of any particular proposal, laying a hard surface is likely to constitute "development" as defined by the Planning Act, and so require planning permission. Such permission may or may not be granted under the General Permitted Development Order, again depending on circumstances as yet unknown. Footpath surfacing is only one example - the same could apply to other small-scale developments such as a bird-hide.

39. Either way, I consider that a policy against all development in the Hoopern Valley would be too sweeping, even with the allowance for exceptions provided by the word "normally" and by the possibility of "material considerations" outweighing policy. As it stands, this policy would not be in general conformity with local plan policy L3, which sets out restrictive criteria for development on open spaces but does not present such a "blanket" refusal as is implied by Policy EN2. The City Council's Development Management Document (which has some relevance as draft supplementary policy guidance) also favours the enhancement of cycling and walking facilities; this appears to encourage development which would achieve such aims, as opposed to saying that it would not normally be permitted.

40. Those points could be met by amending the first sentence of Policy EN2, to make it more targeted, along the following lines:

"Development which would detract from the landscape or ecological value of the Hoopern Valley Park will not normally be permitted. Proposals that would enhance...." etc.

41. In Policy EN6, the requirement that certain types of development should "where possible" achieve a net enhancement to biodiversity within the ward is rather imprecise. Requiring the enhancement to be achieved "when the proposal is implemented" is also unclear and possibly unreasonable. This phrase seems to mean that the biodiversity enhancement must be achieved immediately, or at the same time as a planning permission for development is implemented. There is nothing in the local plan or national policies to imply such immediacy, and enhancements to biodiversity can sometimes take several years to be achieved.



42. I consider that although the "where possible" qualification need not be removed, the last few words ("when the proposal is implemented") should be omitted so that there is better general conformity with the basic condition relating to the development plan and national policy.

43. I have no comments on the other EN policies.

#### **Design Policies (D1 and D2)**

44. Policy D1 sets out various criteria for good quality design. Under this policy (here I quote from the first paragraph and the first bullet point): "Good design means: achieving high quality, contemporary design that respects the scale and character of existing and surrounding buildings".

45. The supporting text for this policy mentions objectives such as reflecting local character and historic interest while encouraging innovative and contemporary design. The rich variety of architectural styles in the area is also mentioned.

46. I take "contemporary" as having its normal meaning in this context of "conforming to modern ideas in style or fashion". Whilst noting the Forum's desire to encourage contemporary design, good design does not necessarily mean contemporary design, especially in parts of St James where there are buildings of historic character. In such areas, proposals for development or re-development with a contemporary design may be appropriate, but a non-contemporary style may be equally acceptable. Furthermore, defining good design as being contemporary design sits oddly with the reference to historic interest in the supporting text.

47. I may have misunderstood the plan's intention here. The word "contemporary" can have different meanings, and in some contexts it can mean "of the same period" (equivalent to "contemporaneous"). If that is what was intended, a different criticism would apply, since it is possible to achieve good design without necessarily requiring new buildings to look as if they were of the same period as others nearby - and in any case this would be impracticable in locations where buildings are of various ages and architectural styles.

48. The local plan's design policies refer to requirements for new development to be compatible with its surroundings, with reference to factors such as density, height, volume, shape and finishing materials of structures. But there is no requirement in either the local plan or the Core Strategy for design to be contemporary. Much the same applies to national policy - the NPPF states that policies on good design "should not attempt to impose architectural styles".<sup>14</sup> Thus as it stands, the way Policy D1 equates good design with contemporary design appears to conflict with national policy.

49. At the very least the word "contemporary" is ambiguous. Adopting what I consider to be its normal meaning in the context it is used in the Neighbourhood Plan, it does not generally conform with the local plan or national policy. Therefore I consider that it should be omitted from Policy D1 (with suitable adjustment to punctuation, that is to say omitting the comma after "quality") and from the supporting text on page 24. The important point about design which respects the scale and character of existing and surrounding buildings would remain as part of the policy.

50. I have no comments on Policy D2.

#### **Community Policies (C1 to C5)**

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<sup>14</sup> NPPF, paragraph 60.

51. Policy C1, which sets out restrictive criteria relating to proposals for changes of use to houses in multiple occupation, is evidently included in the plan because parts of St James have a high proportion of houses used for student accommodation. The City Council have taken steps including an Article 4 direction<sup>15</sup> to prevent the sort of problems which can occur when the social mix of an area becomes over-dominated by a particular age-group, and Policy C1 seems to me to be a sensible approach, in line with the wider local context.
52. Policies C2 and C3 refer respectively to "large scale" and "small scale" purpose-built student accommodation. In the supporting text, large scale is defined as single developments providing over ten student beds. Small scale is defined as single developments providing fewer than ten student beds.
53. There is an unsatisfactory gap here - proposals for developments providing ten student beds would not be subject to either of these policies. As a result it would be difficult for any potential developer of a scheme with accommodation for ten student beds to predict the outcome of a planning application, contrary to the national policy guidance about predictability which I have quoted above.<sup>16</sup> Developers could also exploit the gap by designing proposals to have ten student beds and arguing that neither policy applies.
54. The policies do not need to be changed, but the text before Policy C2 should be amended so that this policy applies to single developments providing ten or more student beds. This definition would reflect the definition of "major" housing developments (ten or more dwellings) in Policy CP5 of the Core Strategy, although of course dwellings and student beds are not directly comparable.
55. Policy C4 states (among other things):
 

"Appropriate and well located community, local retail/food and drink development will be permitted provided that:.....

  - (b) the proposed use is not already oversupplied in the area, and will result in the excessive concentration of uses, such as takeaway restaurants;....".
56. Although it is possible to discern the intent behind the second part of sub-paragraph (b), the syntax leaves room for confusion. The policy appears to say (in part) that development will be permitted provided that the proposed use will result in the excessive concentration of uses such as takeaway restaurants. I do not think that can be the intention, but this is the sort of thing which in my experience can cause time-consuming arguments during appeals against planning decisions. Such a possibility goes against national policy guidance to the effect that plans should help decision-making on planning applications to be efficient.
57. The necessary clarity would be obtained by inserting the word "not", so that this part of the policy reads:

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<sup>15</sup> This is a Direction under Article 4 of the Town and Country Planning (General Permitted Development) Order, taking away "permitted development" rights to make certain changes of use which constitute development but would normally not require specific planning permission.

<sup>16</sup> NPPF, paragraph 17.

"(b) the proposed use is not already oversupplied in the area and would not result in the excessive concentration of uses such as takeaway restaurants;...." <sup>17</sup>

58. Policy C5 is aimed at safeguarding allotments. I have mentioned this policy in paragraph 20 but have no additional comment on it.

**Economy Policy E1**

59. I have no comments on this policy.

**Sustainable Development Policies (SD1 to SD4)**

60. Policies SD2 and SD3 relate respectively to the cricket club site and to infill and "windfall" sites. Policy SD2 states that development that ensures a long term and viable future for the cricket club site will be supported where (among other things) high standards of contemporary sustainable design and construction are achieved. Policy SD2 states that proposals to develop small "infill/windfall" sites for affordable homes for local people or good quality private residential development will be supported where proposals achieve high standards of contemporary, sustainable and low carbon design.

61. The comments I have made about the apparent insistence on contemporary design in Policy D1 apply equally here. Indeed, the supporting text to Policy SD2 mentions the heritage importance of the cricket club site, which if anything suggests that contemporary design might well not be appropriate. In the absence of any justifying evidence, I conclude that the requirement for proposals to be of "contemporary" design should be omitted.

62. On page 30 of the plan there is a paragraph of text headed "Howell Road Car Park". The last sentence reads: "Any proposals for the development of the Howell Road Car Park should be developed with the input of the community and in particular local businesses on Longbrook Street from an early stage in the preparation of proposals."

63. This paragraph is part of Section 6.2 of the plan, which is headed "Policies". Each policy in Section 6.2 is preceded by explanatory supporting text. However, the text referring to the Howell Road car park does not follow that pattern - there is no numbered policy about the car park. Having looked at a previous draft of the plan, I am aware that at an earlier stage in its preparation the plan did contain a policy (labelled as SD3 in the earlier draft plan), which had wording broadly similar to the sentence quoted above, but was not identical and did not include the phrase "from an early stage in the preparation of proposals".

64. I do not know the full history of this matter, but it seems to me likely that during the consultation process, the Forum found it difficult to decide whether the plan should have a policy on the Howell Road car park and if so, how the policy should be worded. There may have been problems reconciling the views of local traders and local residents - a common occurrence when plans try to strike a balance between potentially conflicting interests.

65. Whatever the cause, I consider that this part of the plan should be amended, for two reasons. First, the sentence quoted above reads as if it were a policy statement. Although it is not highlighted in green colour or numbered in the same way as Policies SD1 to SD4, it could be regarded by parties involved in a

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<sup>17</sup> My use here of the future conditional tense "would", instead of the future "will", is in line with a suggestion I have made to the City Council and the Forum. As it does not relate to the "basic conditions" and is not a point raised by any objector this suggestion is a matter outside this report.

development proposal (including applicants, appellants, objectors and supporters) as a sort of "quasi-policy", causing difficulty in deciding its status and weight.

66. Secondly, I think it would be impractical and against aspects of national policy to force applicants to design any development proposal "with the input of local businesses in Longbrook Street at an early stage in the preparation of proposals". The NPPF mentions "empowering local people to shape their surroundings" and advises that planning authorities should encourage applicants to engage with the local community before submitting applications.<sup>18</sup> But national policies also aim to limit the tasks which applicants for planning permission have to undertake. The NPPF advises that investment in business "should not be over-burdened by the combined requirements of planning policy expectations";<sup>19</sup> and recent government statements have stressed the need to do away with what has been called "planning red tape". With those points in mind, I consider that the specific, early stage requirement implied by this part of the plan would be going too far.
67. Taking those points into account, I conclude that either the heading "Howell Road Car Park" and the paragraph of text after it, or at least its last sentence, should be omitted from the plan, for the sake of clarity and to make the plan accord better with national policy aims to reduce planning burdens on businesses.
68. I have no comments on Policies SD1 and SD4. Subject to the comments I have made about this part of the plan, I judge that the plan as a whole contributes to achieving sustainable development.

#### **Heritage Policy H1**

69. I have no comments on this policy.

#### **Transport Policies (T1 to T6)**

70. I have some concerns about whether these policies would all meet the NPPF criterion that plans should provide a "practical framework" for making decisions on development proposals. I say that because there appears to be some mutual conflict between the transport policies, together with some lack of clarity. The apparent mutual conflict arises because the support in Policy T2 for "signage to direct strategic traffic away from and around St James" appears to go against desires expressed elsewhere (for example, Projects 5 and 27 in Appendix 1) to "de-clutter" streets by reducing the number of signs.
71. As regards clarity, the transport policies and related text refer variously to "strategic traffic", "non-resident traffic" and "through traffic". I think "strategic traffic" is probably intended to mean the same thing as "through traffic". If so, it would probably be simpler to refer merely to "through traffic". The term "non-resident traffic" is used in Policy T3, which supports proposals to protect against the impact of traffic in residential areas. It seems likely that any such proposals would have to allow access by delivery vehicles and visitors to dwellings, so I doubt the practicality of seeking to deter "non-resident traffic", although the reduction of through traffic in residential areas is a laudable aim.
72. Policy T2, which is specifically mentioned by Land Securities, states:

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<sup>18</sup> NPPF, paragraphs 17 and 189.

<sup>19</sup> NPPF, paragraph 21.

"Design and highways proposals that mitigate the impact of strategic traffic within St James will be supported. Proposals as appropriate to their scale and location may include:

- Traffic management measures to minimise the impact of traffic on residential and community streets; and
- Signage to direct strategic traffic away from and around St James."

73. Land Securities say that it would be inappropriate to rule out or pre-judge any solutions or traffic routes before the County and City Councils have decided on strategic measures for Exeter as a whole, and that attempts to restrict heavy goods vehicle movements would be difficult to enforce or monitor.
74. There is some validity in those points; but the principle of directing traffic away from St James to reduce traffic in York Road and Blackhall Road has evidently been accepted by the County and City Councils,<sup>20</sup> and Policy T2 does not rule out alternative traffic management schemes. It seems to me that this policy leaves room for flexibility - it only refers to signage to direct "strategic traffic" (whatever that might mean) away from and around St James as a proposal which *may* be included as appropriate. This suggests to me that such a scheme, perhaps after full investigation and assessment by bodies such as the highway authority, may not turn out to be appropriate. I think it is reasonable for a neighbourhood plan to support mitigation measures in the way expressed here.
75. The Exeter development plan and national policies are too generalised to give clear-cut guidance on these issues. The NPPF, for example, advises that different measures will be required in different communities.<sup>21</sup>
76. On balance, I have decided that although the transport policies and supporting text could be more clearly and consistently expressed, the policies meet the basic conditions, so my concerns do not justify recommending amendments to them. However, in order to make the supporting text accord with Policy T2, the word "should", in the text preceding the policy (in the phrase "this should include the diversion of strategic traffic"), should be changed to "may". Whether the City Council and the Neighbourhood Forum wish to consider making any other changes of wording in the light of my other comments above is something I must leave as a matter for them, since these comments do not amount to findings that the plan fails to meet the basic conditions.

### **The Next Stage - the Referendum and its Area**

77. I conclude that the plan, as amended following consideration of my recommendations, should be submitted to a referendum.
78. I do not see any reason for altering or extending the Neighbourhood Plan area for the purpose of holding a referendum.

### **Summary of Recommendations**

**The numbers in square brackets below give the paragraph numbers in this report where the reasoning for the recommendation is explained.**

79. I recommend that:

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<sup>20</sup> Source: the Forum's response to Land Securities representation, Appendix 15 of the Consultation Statement (11th unnumbered page). Also, neither the County nor City Councils have objected to Policy T2.

<sup>21</sup> NPPF, paragraph 29.

1. The plan period be defined, either by stating a start date or publishing date on the plan document, or by stating a plan period with an end date (not just "the next 15 years" in an undated document). [15-16].
  2. The first sentence of Policy EN2 be amended to read:

"Development which would detract from the landscape or ecological value of the Hoopern Valley Park will not normally be permitted. Proposals that would enhance...." etc. [38-40].
  3. The phrase "when the proposal is implemented" be omitted from Policy EN6. [41-42].
  4. The word "contemporary" be omitted from policies D1, SD2 and SD3, and the text on page 24. [44-49, 60-61].
  5. The text before Policy C2 be amended so that this policy applies to single developments providing ten or more student beds. [52-54].
  6. The word "not" be inserted in sub-paragraph (b) of Policy C4 so that it reads:

"the proposed use is not already oversupplied in the area and would not result in the excessive concentration of uses such as takeaway restaurants;" [55-57].
  7. Either the heading "Howell Road Car Park" and the paragraph of text after it be omitted from the plan; or alternatively, the last sentence of that paragraph be omitted. [62-67].
  8. The word "may" be substituted for "should" in the supporting text to Policy T2 on page 33, in the phrase "This should include the diversion of...". [76].
80. Subject to the recommendations above, I also recommend that the plan as amended should be submitted to a referendum, based on the area defined in Figure 1 of the Neighbourhood Plan document.

G F Self

**Graham Self MA MSc FRTPI**

14 February 2013.

## APPENDIX 1 THE BASIC CONDITIONS

A neighbourhood plan meets the basic conditions if:

- i) having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- ii) the making of the plan contributes to the achievement of sustainable development;
- iii) the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- iv) the making of the plan does not breach, and is otherwise compatible with, EU obligations; and
- v) prescribed conditions are met in relation to the plan and prescribed matters have been complied with in connection with the proposal for the plan.

The legal source of these basic conditions is the Localism Act 2011, which inserted Schedules 4A and 4B into the Town and Country Planning Act 1990. Schedule 4B relates to Neighbourhood Development Orders; Schedule 4A relates to Neighbourhood Development Plans and applies parts of Schedule 4B to Plans.

### MINOR CORRECTIONS

- Front page: Amend to read 'Exeter St James Neighbourhood Plan'.
- Page 9, What the Plan Aims to Achieve: Second paragraph – Delete the word “the” and insert the missing text ‘Ward,’ at end of third line.
- Page 14, Delivering the Plan: In the paragraph beginning “It is recognised...” - Amend “principle” to read “principal”.
- Page 14, Delivering the Plan: In the paragraph beginning “It is recognised...” - Delete “the” in the phrase “as the Exeter grows” in the last line.
- Page 14, Projects: First paragraph - Amend the fifth sentence to read “... For this reason only five priority projects have been identified...” and insert at the start of the second paragraph “Following comments received on the draft Neighbourhood Plan a major partnership project is also proposed.”
- Page 17, Project 2: Amend text to avoid repetition of final bullet.
- Page 19, Project 6: Delete Project 6 and amend heading to read “Major Partnership Project”.
- Page 19, Project 6: Join the 5th and 6th bullet points together.
- Page 20, Figure 4: Policy Map – Label Policy EN3 correctly (currently shown as N3).
- Page 21, Policy EN1: Amend policy text so that second line reads “... identified on Figure 4 or that results in any harm to their...”.
- Page 21, Policy EN1: Change tense to future conditional to read “...would only be permitted if the community would gain equivalent benefit...”
- Page 22, Policy EN3: Change tense to future conditional to read “... Queens Crescent Garden would only be permitted where it forms...” and “...Proposals would be expected...”
- Page 22, Policy EN4: Amend layout to avoid last line of policy text being cut in half.
- Page 22, Policy EN5: Amend shading to avoid covering explanatory text and to reveal the last word of the policy which should be 'trees'.
- Page 23, Policy EN6: Change tense to future conditional to read “...compensation could be provided and...”
- Page 24, Policy D1: Amend to list criteria (a) and (g).
- Page 24, Policy D2: Amend policy text to read “...the architectural design of the rest of the building...” (inserting the word “the” before “building”).



- Page 25, Policy C1: Criterion (c) - Change tense to future conditional and amend the text to read “internal and external amenity space, refuse storage and car and bicycle parking would be provided at an appropriate quantity and would be of a high standard so as not to harm visual amenity”.
- Page 27, Policy C2: Change tense of to future conditional to read (b) “where the servicing and parking requirements could be achieved...” and (c) to read “where the scale and massing of any purpose built accommodation would be broadly similar to...”.
- Page 27, Policy C3: Amend format and change tense to future conditional to read “The development of small scale purpose built student accommodation will be permitted provided that the proposal would not prejudice the objective of creating a balanced community’.
- Page 28, Policy C4: Change tense to future conditional to read (a) “...the development would respond well to its local context, would reinforce local distinctiveness and would not detract...”,(b) “...would not result in the excessive concentration of uses...” and (c) “...proposals would not adversely impact residential amenity of nearby properties...” and (d) “...proposals would not adversely impact upon road safety”.
- Page 28, Policy C5: Criterion (b) - Amend policy text to avoid repetition of word 'or'
- Page 28, Policy C5: Change tense to future conditional to read (a)“...replacement provision would be made, of at least equivalent quality, where it would be located...(b) “...benefits could be derived...”
- Page 29, Policy E1: Amend and change tense to future conditional to read “Proposals... will be permitted provided that they would (a) not involve...; (c) be well integrated...(d) proposals... (e) not adversely...”
- Page 29, Policy SD1: Change tense to future conditional to read “Proposals...will be supported provided they would: (b) be of a scale...(e)...that minimise...”
- Page 30, SD2 and SD3: Amend to list criteria (a), (b) and (c).
- Page 30, Policy SD2: Change tense to future conditional to read “(c) ...would be achieved...”
- Page 30, Policy SD3: Change tense to future conditional to read “ Proposals...will be supported where they: (a) have a scale and form of proposals which would be complementary to surrounding properties and would not result... (b) would achieve high standards...(c) would be accompanied by ...”
- Page 30, Policy SD3: Amend policy text (to avoid repetition) to read: "have a scale and form which would be complementary to surrounding properties and would not result...".
- Page 32, Policy H1: Delete erroneous word 'Transport' at end of policy text.
- Page 33, Policy T2 and T3: Simplify terminology by referring to ‘through traffic’ (rather than ‘strategic traffic’ and ‘non-residential traffic) throughout the explanatory text and amend heading of Policy T2 to read “Through traffic” and criteria a) of T3 to read “...to deter through traffic”.

- Page 33, Policy T2: Amend to list criteria (a) and (b).
- Page 34, Policy T3: Amend to list criteria (a), (b) and (c).
- Page 34, Policy T6: Amend text to read “St James Park Station”.

**EXETER CITY COUNCIL  
EXETER ST JAMES NEIGHBOURHOOD PLAN DECISION STATEMENT**

**1. Summary**

- 1.1 Following an independent Examination, Exeter City Council now confirms that the Exeter St James Neighbourhood Plan will proceed to a Neighbourhood Planning Referendum.

**2. Background**

- 2.1 On 25 June 2012, Exeter City Council designated the area comprising the electoral ward of St James as a Neighbourhood Area for the purpose of preparing a Neighbourhood Plan in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 2.2 On 28 August 2012, Exeter City Council designated Exeter St James Forum as a formal Neighbourhood Forum for the purpose of preparing a Neighbourhood Plan for the area in accordance with Part Three of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 2.3 Following the submission of the Exeter St James Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on Friday 8 February 2013.
- 2.4 Exeter City Council appointed an independent examiner, Mr Graham Self of the Planning Inspectorate, to review whether the Plan should proceed to referendum.
- 2.5 The examiner's report concludes that subject to making the minor modifications recommended by the examiner the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.
- 2.6 Having considered each of the recommendations made by the examiner's report, and the reasons for them, the City Council has decided to make the modifications to the draft plan referred to in paragraph 3.1 below, to secure that the draft plan meets the basic conditions set out in legislation, and has decided to make the modifications to the draft plan referred to in paragraph 3.2 below for the purpose of correcting errors.

**3. Decision and Reasons**

- 3.1 The City Council has made the following modifications, proposed by the examiner, to secure that the draft plan meets the basic conditions, for the reasons given:

<b>Policy</b>	<b>Change</b>	<b>Reason for change</b>
Plan Period	The plan period be defined either by stating a start date or publishing date on the plan document or by stating a plan period with an end date (not just "the next 15 years" in an undated document). <sup>22</sup>	To add clarity and in order to meet legal requirements.

<sup>22</sup> The Plan will be dated March 2013 and the plan period will be 2013 - 2028

Policy	Change	Reason for change
EN2	The first sentence of Policy EN2 be amended to read: "Development which would detract from the landscape or ecological value of the Hoopern Valley will not normally be permitted. Proposals that would enhance..." etc	To ensure general conformity with local plan policy L3
EN6	The phrase "when the proposal is implemented" be omitted from Policy EN6.	To add clarity and ensure the policy is reasonable
D1,SD2 and SD3	The word "contemporary" be omitted from policy D1, SD2 and SD3 and the text on page 24.	To add clarity and to ensure conformity with the local plan and national policy.
C2	The text before policy C2 be amended so that this policy applies to single developments providing ten or more student beds.	To ensure predictability in line with national policy guidance.
C4	The word 'not' be inserted in sub-paragraph (b) of Policy C4 so that it reads: "the proposed use is not already oversupplied in the area and would not result in the excessive concentration of uses such as takeaway restaurants;"	To ensure clarity and predictability in line with national policy guidance.
Howell Road Car Park	Either the heading "Howell Road Car Park" and the paragraph of text after it be omitted from the plan; or alternatively, the last sentence of that paragraph be omitted. <sup>23</sup>	To ensure clarity and conformity with national policy guidance.
T2	The word "may" be substituted for "should" in the supporting text to Policy T2 on page 33, in the phrase "This should include the diversion of..."	To ensure clarity and to conformity with national policy guidance.

3.2 To enhance the clarity of the plan, the City Council has also made the following modifications for the purpose of correcting errors in the text:

- Front page: Amend to read 'Exeter St James Neighbourhood Plan'.
- Page 9, What the Plan Aims to Achieve: Second paragraph – Delete the word "the" and insert the missing text 'Ward,' at end of third line.
- Page 14, Delivering the Plan: In the paragraph beginning "It is recognised..." - Amend "principle" to read "principal".
- Page 14, Delivering the Plan: In the paragraph beginning "It is recognised..." - Delete "the" in the phrase "as the Exeter grows" in the last line.
- Page 14, Projects: First paragraph - Amend the fifth sentence to read "... For this reason only five priority projects have been identified..." and insert at the start of

<sup>23</sup> The last sentence of the paragraph concerning Howell Road Car Park will be deleted.

the second paragraph “Following comments received on the draft Neighbourhood Plan a major partnership project is also proposed.”

- Page 17, Project 2: Amend text to avoid repetition of final bullet.
- Page 19, Project 6: Delete Project 6 and amend heading to read “Major Partnership Project”.
- Page 19, Project 6: Join the 5th and 6th bullet points together.
- Page 20, Figure 4: Policy Map – Label Policy EN3 correctly (currently shown as N3).
- Page 21, Policy EN1: Amend policy text so that second line reads “... identified on Figure 4 or that results in any harm to their...”.
- Page 22, Policy EN4: Amend layout to avoid last line of policy text being cut in half.
- Page 22, Policy EN5: Amend shading to avoid covering explanatory text and to reveal the last word of the policy which should be 'trees'.
- Page 24, Policy D2: Amend policy text to read "...the architectural design of the rest of the building..." (inserting the word "the" before "building").
- Page 25, Policy C1: Criterion (c) - Change tense to future conditional and amend the text to read “internal and external amenity space, refuse storage and car and bicycle parking would be provided at an appropriate quantity and would be of a high standard so as not to harm visual amenity”.
- Page 27, Policy C2: Change tense of to future conditional to read (b) “where the servicing and parking requirements could be achieved...” and (c) to read “where the scale and massing of any purpose built accommodation would be broadly similar to...”.
- Page 27, Policy C3: Amend format and change tense to future conditional to read “The development of small scale purpose built student accommodation will be permitted provided that the proposal would not prejudice the objective of creating a balanced community’.
- Page 28, Policy C4: Change tense to future conditional to read (a) “...the development would respond well to its local context, would reinforce local distinctiveness and would not detract...”,(b) “...would not result in the excessive concentration of uses...” and (c) “...proposals would not adversely impact residential amenity of nearby properties...” and (d) “...proposals would not adversely impact upon road safety”.
- Page 28, Policy C5: Criterion (b) - Amend policy text to avoid repetition of word 'or'
- Page 28, Policy C5: Change tense to future conditional to read (b) “...benefits could be derived...”
- Page 29, Policy E1: Change tense to future conditional to read “Proposals... will be permitted provided that they would (a) not involve...; (c) be well integrated... (e) not adversely...”
- Page 29, Policy SD1: Change tense to future conditional to read “Proposals...will be supported provided they would: (b) be of a scale...(e)...that minimise...”
- Page 30, SD2 and SD3: Amend to list criteria (a), (b) and (c).
- Page 30, Policy SD2: Change tense to future conditional to read “(c) ...would be achieved...”
- Page 30, Policy SD3: Change tense to future conditional to read “Proposals...will be supported: (a) where the scale and form of proposals would be complementary to surrounding properties and would not result... (b) proposals would achieve high standards...(c) would be accompanied by ...”
- Page 30, Policy SD3: Amend policy text (to avoid repetition) to read: "have a scale and form which would be complementary to surrounding properties and would not result..."
- Page 32, Policy H1: Delete erroneous word 'Transport' at end of policy text.
- Page 33, Policy T2: Simplify terminology by referring to ‘through traffic’ (rather than ‘strategic traffic’ and ‘non-residential traffic’) and amend heading of Policy T2 to read “Through traffic”.

- Page 33, Policy T2: Amend to list criteria (a) and (b).
  - Page 34, Policy T3: Amend to list criteria (a), (b) and (c).
  - Page 34, Policy T6: Amend text to read “St James Park Station”.
- 3.3 The City Council has considered whether to extend the area in which the referendum is to take place. Like the examiner, the City Council has decided that there is no reason to extend the Neighbourhood Plan area for the purpose of holding the referendum.
- 3.4 The examiner has concluded that with the minor modifications made the Plan meets the basic conditions and other relevant legal requirements. The Council concurs with this view. Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question ‘Do you want Exeter City Council to use the Exeter St James Neighbourhood Plan to help it decide planning applications in the neighbourhood area?’ will be held in the St James Exeter ward.
- 3.5 The date on which the referendum will take place is agreed as 2 May 2013.

**EXETER CITY COUNCIL EXECUTIVE COMMITTEE**

**EXETER CITY COUNCIL  
EXETER ST JAMES NEIGHBOURHOOD PLANNING REFERENDUM**

**INFORMATION STATEMENT**

A neighbourhood planning referendum will be held for the Exeter St James Neighbourhood Plan on 2 May 2013

The question asked in the referendum will be:

*“Do you want Exeter City Council to use the neighbourhood plan for Exeter St James to help it decide planning applications in the neighbourhood area?”*

The referendum area and the area covered by the neighbourhood plan is the electoral ward of Exeter St James (a map is attached).

A person is entitled to vote in the Referendum if on 2 May 2013 he or she is entitled to vote in an election of any Councillor of the St David’s and St James Devon County Council Division, of which the St James ward of Exeter City Council forms a part (polling districts NA and NB of the Exeter City Council electoral register).

The referendum expenses limit that will apply in relation to the Referendum is £2,656.64.

The number of persons entitled to vote in the Referendum by reference to which that limit has been calculated is 4,994.

The Referendum will be conducted in accordance with procedures which are similar to those used for a local government election.

The specified documents, listed below, are available to view on the website [www.exeter.gov.uk/neighbourhoodplanning](http://www.exeter.gov.uk/neighbourhoodplanning) and in the Customer Service Centre, Civic Centre, Paris Street, Exeter, EX1 1JN Monday - Friday, 8.30am to 5pm.

The specified documents are:

The draft Neighbourhood Plan

The examiner’s report

A summary of representations submitted to the examiner

A statement that the Council is satisfied that the draft plan meets the basic conditions and complies with the provision made by sections 38A and 38B of the 2004 Act

General information on town and country planning including neighbourhood planning

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EXETER CITY COUNCIL

EXECUTIVE  
19 MARCH 2013

APPOINTMENT OF REPRESENTATIVES TO SERVE ON OUTSIDE BODIES

<u>BODY AND TERM OF OFFICE</u>	<u>PROPOSED REPRESENTATIVES</u>	<u>NUMBER OF MEETINGS PER ANNUM</u>	<u>TERMS OF REFERENCE</u>
Exeter Municipal Charities (Church List) 4	The Lord Mayor (ex officio) Mrs D Baldwin – 13.06.2103 Ald JF Landers - 13.06.2013 Ald N.W.F. Long - 13.06.2013 Cllr Shiel -13.06.2013	12	To provide accommodation for people who feel unable to remain in their own homes by reason of failing health or reduced circumstances.
Wessex Reserve Forces and Cadets Association - Devon Committee	Cllr Choules 03.07.2013	3	Committee of the Association of Cadets and Reservists

CORPORATE MANAGER DEMOCRATIC AND CIVIC SUPPORT  
11 MARCH 2013

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