

EXETER CITY COUNCIL

**EXECUTIVE
20 NOVEMBER 2012**

EXETER ST JAMES FORUM NEIGHBOURHOOD PLAN

1.0 PURPOSE OF REPORT

- 1.1 To inform Members about progress on the production of a Neighbourhood Development Plan for Exeter St James, to agree the Council's response to the consultation process and to grant delegated powers to take the process forward.

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 measures that the Act introduced for Neighbourhood Planning, together with the accompanying Neighbourhood Planning Regulations, came into force on 6 April 2012.
- 2.2 The Localism Act introduced new rights and powers to allow local communities to shape new development by coming together to prepare neighbourhood plans and neighbourhood development orders. Neighbourhood planning is not led by the local authority; it is about letting the residential and business communities plan the areas they know.

3.0 PROGRESS SO FAR

- 3.1 Exeter St James Forum has completed the first of the five key stages of neighbourhood planning: Defining the Neighbourhood (see Appendix A for a summary of the Key Stages of Neighbourhood Planning). In accordance with the Regulations they made an application for the designation of the ward of St James as a 'Neighbourhood Area' to form the basis for neighbourhood planning. Next, again in accordance with the regulations, they submitted an application for the designation of Exeter St James Forum. No objections were received to either application and therefore under delegated powers the Council determined to approve these applications.
- 3.2 Exeter St James Forum has now moved on to the second key stage of neighbourhood planning: Preparing the Plan. Local people have established an evidence base, collected their ideas together and drawn up a Draft Neighbourhood Development Plan. The Forum has commenced consultation on the Draft Neighbourhood Development Plan; leaflets have been delivered to every house in the ward, posters and flyers have been distributed and the document is available to view on the Exeter St James Forum website. This stage of the process is aimed at letting local people make any comments to the Forum so that changes can be made prior to the submission of the document to the Council. Exeter City Council is also invited to make comments prior to the drafting of the final document. The consultation period ends on the 23 November 2012.
- 3.3 The Neighbourhood Development Plan will establish general policies for the development and use of land in the St James neighbourhood and it is this document that the Forum is currently consulting on. Forum members presented the Plan at the Planning Member Working Group on the 16 October 2012.

4.0 THE PLAN

4.1 The Neighbourhood Development Plan sets out a vision for St James Ward, projects to help deliver the vision and policies that on adoption will form part of the Development Plan. Policies cover the following areas:

- Environment
- Design
- Community
- Economy
- Sustainable Development
- Heritage
- Transport

The key policy issues in relation to each of these areas are summarised below.

4.2 Environment: The plan focuses on protecting and enhancing the natural environment. Policies are included that protect green spaces, Hoopern Valley, Queens Crescent, gardens, and trees.

Design: The Plan aims to ensure that new development reflects local character and historic interest while also encouraging innovative and cutting edge design. Policies cover good quality design, shop frontages, commercial and residential frontages.

Community: The Plan seeks to encourage development of appropriate housing to improve the social balance of the ward. Policies cover large scale purpose built student accommodation, small scale purpose built student accommodation, houses in multiple occupation (HMOs), St James Local Community Centre, and allotments.

Economy: The Plan supports local businesses, creates links to and co-operates with larger businesses, and encourages new businesses, home working and social enterprises that benefit the community. Policies cover employment and enterprise and neighbourhood retail.

Sustainable Development: The Plan works to encourage regeneration and appropriate new development that help achieve social, economic and environmental objectives. Policies cover Football Club/Yeo and Davey Site (the adjoining garage site), Exeter Cricket Club, Howell Road car park and adapting to climate change.

Heritage: The Plan seeks to protect and enhance the historic built environment and includes a policy requiring new development to pay special regard to this.

Transport: The Plan will work to create a movement network that reflects the predominately residential character of the area, serves local transport requirements and encourages more sustainable means of transport. Policies cover sustainable transport, strategic traffic, residential streets, short term parking for local businesses and accessibility for all.

4.3 The Draft Neighbourhood Plan is available to view on the Exeter St James web site: <http://www.exeterstjamesforum.org>

5.0 COMPULSORY PURCHASE ORDER

5.1 One of the main priorities of the Neighbourhood Plan is to create a heart for St James centred on Queens Crescent (this space is shown on the plan at Appendix B). The

main barrier to the improvement of Queens Crescent as a community green space is the uncertainty over ownership. This could be resolved through the Compulsory Purchase Order (CPO) of the land under S226 of the Town and Country Planning Act to “facilitate the carrying out of...improvement on or in relation to the land”. A CPO could also be useful to the Council in the event of any future highway improvements being required in this area. Accordingly authority is sought to take all measures necessary to proceed with preparing a Compulsory Purchase Order for Queens Crescent Gardens.

- 5.2 However, before beginning the CPO process the Council must ensure that the community are in a position to take on responsibility for the open space, and that the Council will not be left with management obligations in relation to the land. If the CPO is simple with no objections it is estimated that legal costs could be in the order of £5-10,000 if carried out externally; however, if the legal work could be conducted in-house this cost could be avoided. If an owner did come forward it is estimated that the maximum compensation would be in the order of £5-10,000 (based on land value).

6.0 CONSULTATION RESPONSE

- 6.1 The Exeter St James Forum and the residents of St James should be congratulated in regard to what they have achieved thus far. It has only been through the enthusiasm, expertise and experience of those involved that they have got to where they are now.
- 6.2 Exeter St James Forum has worked closely with the Council in bringing forward their Neighbourhood Plan. The policies have been developed in the context of the Core Strategy and should help to deliver its objectives.
- 6.3 Nevertheless there are a number of areas where further work is required to ensure that the policies are drafted in a manner that allows for easy and consistent interpretation and provides added value over and above the policies proposed in the Council’s Site Allocations and Development Management document. In particular further work needs to focus on ensuring there is clarity with regard to where the policies apply, what they cover, and on ensuring that the policies say something that is locally distinctive to St James (a schedule of issues to be addressed is attached at Appendix C). Exeter St James Forum is therefore asked to continue to work closely with the Council to ensure this Plan delivers sustainable development that is in accordance with Core Strategy policies.

7.0 WHAT NEXT?

- 7.1 The Forum will consider the representations made and make any necessary amendments to the Plan. The Plan is then submitted to the Council after which there follows a further 6 weeks of consultation undertaken, this time, by the Council. Once this consultation period is over, an independent examiner considers any representations made and checks that the Plan meets the right basic standards. The final two stages of the process are a community referendum, where 50% of the community that turn out to vote must be in favour of the neighbourhood plan for it to come into force and, lastly, adoption by the Council after which the Plan gains legal force as part of the Development Plan. This is important as Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.2 Once the examiners recommendations have been received a report will be brought back to Executive to consider the recommendations and to seek authority to carry out the referendum.

8.0 RECOMMENDATION

8.1 That Executive offers its congratulations to Exeter St James Forum on the production of the draft plan and delegates to the Assistant Director City Development authority or other appropriate officers:

- (i) to continue to negotiate with the Forum on how best to address issues regarding the content of the draft plan identified in Appendix C;
- (ii) to make any formal representations appropriate on the plan reflecting unresolved concerns;
- (iii) to undertake the necessary procedures to enable the plan to proceed towards adoption.
- (iv) to undertake the acquisition of the Queen's Crescent Gardens open space, by agreement with the owner if the owner is found. If the owner is not found, or terms are not agreed, that Executive authorises the acquisition of the land by making a Compulsory Purchase Order under Section 226 of the Town and Country Planning Act 1990 (as amended), on the basis that Executive thinks the acquisition will facilitate the carrying out of improvement on or in relation to that land; and
- (v) to undertake all necessary action to proceed with the Compulsory Purchase Order.

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

Background papers used in compiling this report:-

None