

## **REPORT TO EXECUTIVE**

Date of Meeting: 3 October 2023

Report of: Director of City Development

Title: Consultation on Liveable Water Lane: Development Framework and Design Code Supplementary Planning Document

### **Is this a Key Decision?**

Yes

### **Is this an Executive or Council Function?**

Executive

### **1. What is the report about?**

1.1 The report explains the progress made on preparing a Supplementary Planning Document to guide development at Water Lane and seeks approval for public consultation on the document.

### **2. Recommendations:**

2.1 That the Executive approves the Liveable Water Lane: Development Framework and Design Code Supplementary Planning Document (included at Appendix A and hereafter referred to as the Water Lane SPD) as the basis for public consultation commencing on 23 October 2023;

2.2 That the Executive gives delegated authority to the Director of City Development, in consultation with the Council Leader and Portfolio Holder for City Development, to agree minor changes to the Water Lane SPD content before it is published for consultation; and

2.3 That the Executive gives delegated authority to the Director of City Development, in consultation with the Council Leader and Portfolio Holder for City Development, to agree a change to the consultation start date if required.

### **3. Reasons for the recommendation:**

3.1 The Water Lane SPD will provide a development framework and design code for a key strategic brownfield site in Exeter. The SPD is required to support the delivery of high quality, co-ordinated redevelopment and placemaking in the area. Public consultation this autumn will enable the Council to adopt the SPD in time for it to guide the determination of planning applications that have been made, or are anticipated to be made, in the near future.

3.2 Preparation of the SPD delivers on a commitment in the Exeter Core Strategy (2006-2026) to produce a masterplan for Water Lane, following the allocation for redevelopment of the majority of the site in the Exeter Local Plan First Review (1995-2011). The SPD will also assist the Council in delivering the Liveable Exeter principles which were consulted

upon in the Outline Draft Exeter Plan in 2022 and which are contained in the Full Draft Plan that is proposed for consultation as a separate item on this agenda.

3.3 As the local planning authority for Exeter, the Council has a statutory duty to consult on the Water Lane SPD before it can be adopted. Consultation will enable the wider community to inform the document as it evolves towards its final version, will fulfil statutory requirements and will be in accordance with the Council's Statement of Community Involvement and Consultation Charter.

#### **4. What are the resource implications including non financial resources**

4.1 Consultation on the Water Lane SPD will run concurrently with the proposed consultation on the Full Draft Exeter Plan. As such, there are no direct additional costs or other resource implications associated with the recommendations.

#### **5. Section 151 Officer comments:**

5.1 There are no additional financial implications for Council to consider arising from this report.

#### **6. What are the legal aspects?**

6.1 The Planning and Compulsory Purchase Act 2004 established a system of local development planning in England. The Town and Country Planning (Local Planning) (England) Regulations 2012 (SI 2012/767) (the "Regulations") make provision for the operation of that system. The legal process for preparing and consulting on SPDs is set out in Part 5 of the Regulations. This includes a requirement for SPDs to be consulted on for a period of not less than four weeks. The Council will need to ensure that the Regulations are adhered to in the consultation process.

6.2 The Regulations include a requirement as part of any later subsequent adoption process to prepare an adoption statement setting out who has been consulted, a summary of the main issues raised and how those issues have been addressed in the SPD (Regulation 14).

#### **7. Monitoring Officer's comments:**

7.1 The monitoring officer has no issues to raise apart from to draw members' attention to the legal aspects as set out in paragraph 6 above.

#### **8. Report details:**

##### Background

8.1 Water Lane is a key strategic brownfield redevelopment area in Exeter and one of the largest sites of the Council's Liveable Exeter initiative (around 36 hectares). The site runs alongside the Riverside Valley Park and the Great West Mainline railway and is shown outlined in red on page 4 of the draft SPD (Appendix A). It currently contains a variety of land uses including business premises and workshops, utilities infrastructure, public car, coach and boat parking, leisure and community facilities including for water-based activities and Grace Road Playing Fields (now disused).

8.2 The majority of Water Lane has been allocated for mixed use residential-led redevelopment in the adopted development plan for many years. In the Exeter Local Plan First Review (adopted 2005) it forms part of a larger allocation called the “Quay and Canal Basin Area”, with appropriate uses highlighted as housing, leisure and “more environmentally acceptable” employment uses supported by financial contributions towards highways improvements, bus priority measures and facilities for pedestrians and cyclists. The Exeter Core Strategy (adopted 2012) identifies Water Lane as a location for comprehensive mixed use redevelopment and commits to the preparation of a masterplan for the site.

8.3 The Exeter Local Plan First Review and Core Strategy are to be replaced by the emerging Exeter Plan. The 2022 Outline Draft Exeter Plan consultation included a proposal to re-allocate Water Lane for residential-led mixed use redevelopment. The proposal is retained in the Full Draft Plan which is proposed for consultation this autumn in a separate item on this agenda.

8.4 Water Lane provides an opportunity to deliver a high quality, low-car new neighbourhood that is well served by a school, community, cultural and sustainable travel facilities (including the new Marsh Barton railway station), has good access to employment opportunities and links effectively to the Riverside Valley Park. Development will need to respond to challenges such as flood risk, restricted access, contamination and protecting the amenity of nearby residents. It will also need to reflect the site’s rich industrial and water-related heritage and link to Marsh Barton, which is also proposed for allocation in the Exeter Plan.

8.5 Water Lane is in multiple ownership, with only some land parcels owned by the Council. However, in order to secure high quality development that meets the Liveable Exeter principles and responds to the challenges set out above, it is vital that Water Lane is redeveloped in a comprehensive and co-ordinated way. To help achieve this, a draft development framework and design code for Water Lane has been prepared by LDA Design on the Council’s behalf (Appendix A), suitable for guiding future development at the site as an adopted SPD.

#### The Draft Water Lane SPD

8.6 The draft Water Lane SPD has been prepared to align with the Government’s National Model Design Code. To help ensure a joined up approach to design, infrastructure and service provision, it includes:

- A Vision for Water Lane (page 19 of the document), which sets out the type of place that Water Lane should be in the future;
- An illustrative development framework setting out different land use requirements within the site (e.g. a primary school, a neighbourhood centre incorporating a community green space, active travel infrastructure and areas for wildlife and nature) (page 22 of the document); and
- A comprehensive design code structured around the Council’s Liveable Exeter Principles (pages 23 to 131 of the document);

8.7 National Planning Practice Guidance stipulates that SPD should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new policies. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development. The Council's Local Development Scheme sets a timetable to adopt the Water Lane SPD in June 2024, before the timetabled adoption of the Exeter Plan (December 2025). As such, the draft Water Lane SPD has been prepared in the first instance to amplify the existing Water Lane site allocation made in the Exeter Local Plan First Review whilst also taking into account (as far as possible) the proposed policies and site requirements contained in the Full Draft Exeter Plan consultation document. Once the Exeter Plan is adopted, it may be necessary to review the Water Lane SPD to ensure that it fully aligns with the new Plan (see also paragraph 10.1 of this report).

8.8 In preparing the draft Water Lane SPD, LDA Design have undertaken extensive consultation with key stakeholders via one-to-one and group sessions, including with:

- Statutory and public bodies (e.g. the Environment Agency and officers from Exeter City and Devon County Council);
- Exeter City Council and Devon County Council Members (a report about the SPD was taken to Planning Member Working Group in July, and a workshop was also held in July to which relevant Ward Members and County Council Members were invited);
- Landowners and prospective developers; and
- Special interest groups such as the Devon Wildlife Trust and Quay and Canal Trust.

8.9 In line with best practice, the draft Water Lane SPD has also been informed by early community engagement using a Citizens Panel. This has involved a series of workshops, one-to-one sessions and drop-ins with local community representatives (many of whom are aware of the views on the broader community) and businesses. The aim of the Citizens Panel has been to give local people an opportunity to input meaningfully into the SPD from the outset, rather than waiting until formal consultation takes place. In this way, it is hoped that the draft Water Lane SPD will better reflect the hopes of local people and encourage good support at the formal consultation stage.

8.10 It is important that statutory public consultation on the draft Water Lane SPD takes place this autumn so that the Council can adopt the final SPD as soon as possible and use it to guide the determination of planning applications. Developer interest in Water Lane is already being shown, including through planning applications 22/1145/FUL for the Haven Banks Retail Park and 23/1007/OUT for Water Lane (South). The former Gas Holder site owned by Wales and West Utilities and the National Grid has also recently been marketed for redevelopment.

#### Consultation arrangements

8.11 Detailed consultation arrangements will be made in due course. However, the key document for the consultation will be the draft Water Lane SPD and the consultation will:

- Start on 23 October 2023 and run for a period of six weeks in accordance with the Consultation Charter;

- Use the Commonplace engagement platform as the basis for the consultation;
- Include questions about the draft SPD;
- Include accessible consultation material;
- Include digital communication via the planning website and social media;
- Include hard copies of consultation materials in specified public places;
- Include at least one public exhibition to enable face-to-face discussion;
- Be advertised in the local media, online and via social media; and
- Be advertised to the Council's existing planning policy consultation contact list.

8.12 The consultation will be undertaken in accordance with the Council's Consultation Charter and Statement of Community Involvement.

8.13 The Local Development Scheme schedules adoption of the Water Lane SPD for June 2024, subject to Council approval. The report in June 2024 to Council will include an adoption statement that provides a summary of the comments made during the proposed autumn consultation and explain how these have been taken into account in shaping the final version of the Water Lane SPD.

## **9. How does the decision contribute to the Council's Corporate Plan?**

9.1 Public consultation on the Water Lane SPD will enable the Council to progress towards its adoption, thereby supporting the creation of a new high quality, low car neighbourhood. As such, consultation on the Water Lane SPD is important to ensure the delivery of three corporate objectives set out in the Council's Corporate Plan:

- Delivering Net Zero Exeter 2030;
- Promoting active and healthy lifestyles; and
- Building great neighbourhoods.

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

10.1 The Government is currently consulting on reforms to the Levelling-Up and Regeneration Bill, including amendments to national planning policy. The consultation includes a proposal that existing SPDs should be reviewed to identify if they are still relevant and therefore suitable for retention, or if the guidance they provide should instead be integrated into the authority's new Local Plan. To reduce the risk of losing the planning policy controls afforded by the Water Lane SPD, it has been drafted to reflect (as far as possible) the policies proposed in the Full Draft Exeter Plan. The proposed development requirements for Water Lane contained in the Full Draft Exeter Plan are also reflected (as far as possible) in the draft SPD.

## **11. Equality Act 2010 (The Act)**

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

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

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

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

11.4 In recommending this proposal, potential impacts have been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

## **12. Carbon Footprint (Environmental) Implications:**

12.1 There are no direct carbon/environmental impacts arising from the recommendations to hold a public consultation on the draft Water Lane SPD. However, the digital consultation methods will minimise the carbon footprint associated with holding the consultation. The design code within the draft Water Lane SPD also includes specific content which will play a role in achieving net zero.

## **13. Are there any other options?**

13.1 Public consultation is a statutory requirement for preparing a SPD and this needs to take place this autumn in order to maintain timely progress towards adoption. The only other option is to consult on the SPD at a later date. However, this is not considered to be an appropriate option given the need adopt the SPD as soon as possible.

**Director of City Development, Ian Collinson**

Author: Katharine Smith, Principal Project Manager - Local Plan

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

Background papers used in compiling this report:-

None

Contact for enquires:  
Democratic Services (Committees)  
Room 4.36  
01392 265275