

## REPORT TO EXECUTIVE

Date of Meeting: 9 July 2024

## REPORT TO COUNCIL

Date of Meeting: 16 July 2024

Report of: Director for City Development

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

### Is this a Key Decision?

No

### Is this an Executive or Council Function?

Council

### 1. What is the report about?

1.1 This report seeks approval from Council to adopt a Supplementary Planning Document to guide future development proposals at Water Lane, Exeter.

### 2. Recommendations:

2.1 That the Executive notes the Consultation Statement (included at Appendix B) which documents responses to the consultation on the Liveable Water Lane: Development Framework and Design Code Supplementary Planning Document (the "**Water Lane SPD**"), the Water Lane SPD Strategic Environmental Appraisal Screening Statement (included at Appendix C), the Water Lane Primary School Options Appraisal (included at Appendix D), the Haven Road Position Statement (included at Appendix E), the Liveable Water Lane SPD Transport and Mobility Technical Note (included at Appendix F) and the Water Lane Views Analysis (included at Appendix G). Appendices B to G are available here: [Liveable Water Lane: Development Framework and Design Code - Exeter City Council](#)

2.2. That the Executive recommends that Council approves the adoption of the Water Lane SPD (included at Appendix A here: [Liveable Water Lane: Development Framework and Design Code - Exeter City Council](#)).

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 minor changes to the Water Lane SPD before it is taken to Council with a recommendation to adopt.

### 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 Water Lane SPD is required to support the delivery of high-quality, co-ordinated redevelopment and placemaking in the Water Lane

area of the city. Adoption of the Water Lane SPD at this time is particularly important given that a planning application to redevelop part of the area has already been submitted and further planning applications are anticipated.

3.2 Adoption of the Water Lane 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 Water Lane SPD will also assist the Council in delivering the Liveable Exeter Principles which were consulted upon in both the Outline and Full Draft versions of Exeter Plan in 2022 and 2023. Finally, the SPD will also support the preparation of the Exeter Plan.

3.3 Following approval by the Executive on 3 October 2023, statutory consultation on the draft Water Lane SPD was carried out between 23 October and 4 December 2023 in accordance with the Council's Statement of Community Involvement and Consultation Charter. The Consultation Statement summarises the responses made and how these have informed preparation of a revised version of the Water Lane SPD. It is recommended that the revised version is adopted.

3.4 A Strategic Environmental Appraisal ("**SEA**") is a systematic process that is carried out during the preparation of planning policy. SPDs do not require an SEA other than in exceptional circumstances where they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies. This is determined through a screening process undertaken by the local planning authorities in consultation with three statutory bodies: the Environment Agency, Natural England and Historic England. The Water Lane SPD Strategic Environmental Appraisal Screening Statement concludes that the impacts of the Water Lane SPD will not have significant environmental effects and, therefore, that the Water Lane SPD does not need to be subject to a Strategic Environmental Appraisal.

3.5 The Water Lane Primary School Options Appraisal, Haven Road Position Statement, Liveable Water Lane SPD Transport and Mobility Technical Note and Water Lane Views Analysis have been prepared by consultants on behalf of the Council, and in consultation with Devon County Council and Historic England, as technical studies to support preparation of the Water Lane SPD. They do not form part of the Water Lane SPD and are appended to this report for information purposes.

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

4.1 There are no direct costs or other resource implications associated with the recommendation.

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

5.1 There are no direct financial implications contained in the report, however there is a need to understand the financial implications of using ECC land for alternative uses and the impact that this may have on the Council.

## **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 County Planning (Local Planning) (England) Regulations 2012 (SI2012/767) (the “**Regulations**”) make provision for the operation of that system. The legal process for adopting Supplementary Planning Documents is set out in Part 5 of the Regulations.

6.2 The Water Lane SPD has undergone consultation and a Consultation Statement and Adoption Statement (included at Appendix C) have been prepared. These processes adhere to the Regulations.

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

7.1 Members will note the legal aspects above. The Monitoring Officer has no additional comments.

## **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 9 of the Water Lane SPD. 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 Fields. It is a brownfield site known to have significant environmental constraints including flood risk, contamination, gas and electric utilities, movement and access, air quality and noise.

8.2 Most 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 2023 Full Draft Exeter Plan consulted upon last autumn included a proposal to reallocate Water Lane for residential-led mixed use redevelopment.

8.4 Water Lane provides an opportunity to deliver a high-quality, low-car new neighbourhood that is well served by a primary 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.

8.5 Water Lane is in multiple ownerships, with only some land parcels owned by the Council. 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. Adoption of the Water Lane SPD will help to achieve this, by providing a development framework and design code for the area.

#### Status of the Water Lane SPD

8.6 Planning Practice Guidance stipulates that SPDs should build upon and provide more detailed advice or guidance on policies in an adopted plan. As they do not form part of the development plan, they cannot introduce new policies. However, they are a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development. The Water Lane SPD amplifies the existing Water Lane site allocations 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. 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).

#### Content of the Water Lane SPD

8.7 The 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 24 of the document), which sets out the type of place that Water Lane should be in the future;
- An illustrative development framework setting out the different land use requirements within the site (e.g. a primary school, a neighbourhood centre incorporating community green space, active travel infrastructure and areas for wildlife and nature (see page 29 of the document); and
- A comprehensive design code structured around the Liveable Exeter Principles (see page 30 onwards of the document).

#### Preparation of the Water Lane SPD

8.8 The Water Lane SPD has been prepared by LDA Design on behalf of the Council, with a significant level of input from key stakeholders including:

- Statutory and public bodies (e.g. officers from Exeter City and Devon County Councils, the Environment Agency, Historic England and the Exeter Port Authority);
- Exeter City Council and Devon County Council Members (reports about the SPD were taken to Planning Working Group in July 2023 and June 2024, and a workshop was also held in July 2023 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 The Water Lane SPD has also been informed by early community engagement undertaken in the summer of 2023, together with statutory public consultation on the draft Water Lane SPD which took place from 23 October until 4 December 2023. Details of the early community engagement are given in the report to Executive of 3 October 2023 and so are not repeated here. They are also provided in section X of the Water Lane SPD. Details of the statutory public consultation are provided in the Consultation Statement at Appendix C. This includes information about who was consulted, a summary of the main issues raised and how these have been addressed in the Water Lane SPD, in accordance with the Regulations.

8.10 The proposed final version of the Water Lane SPD is included Appendix A.

#### Supporting technical documents

8.11 The Water Lane Primary School Options Appraisal has been prepared by Atkins Realis on behalf of the Council. Devon County Council, as the local education authority, have been consulted during its preparation. The Exeter Core Strategy's Infrastructure Delivery Plan states that contributions are required for a new primary school at Water Lane and Devon County Council continues to advise that there is a need for a primary school to serve redevelopment of the site and the wider community. A new primary school at Water Lane will also provide an important placemaking function. However, options to locate a primary school at Water Lane are limited by environmental constraints and land availability. The Options Appraisal reviews the potential to use Haven Banks Car Parks 2 and 3 as the main focus for the school. It should be noted that no decision has been made to use these car parks for the primary school. This would require Council approval. Following further investigation, and should this option prove favourable, a further report to Executive and Council will be presented at a later date.

8.12 The Haven Road Position Statement and Transport and Mobility Technical Note have been prepared by SLR Consulting on behalf of the Council. Devon County Council has been consulted on the documents in their capacity as highways authority. The Haven Road Position Statement examines options to provide highways access to the northern part of the Water Lane site. The document's key conclusion is that providing access via Haven Road is not appropriate as this conflicts with Devon County Council's aspiration to make Haven Road a 'quiet route' with reduced traffic levels and an enhanced environment for pedestrians and cyclists, as per their recently adopted Local Cycling and Walking Infrastructure Plan. The Transport and Mobility Technical Note provides conclusions on a range of matters relating to access, movement and parking at Water Lane.

8.13 The Water Lane Views Analysis has been prepared by Allies and Morrison on behalf of the council. It assesses the impacts of the baseline and maximum building heights coded for in the Water Lane SPD upon key views across Water Lane, including of and from Colleton Crescent and Haldon Belvedere. On the basis of the Analysis, officers are confident that the heights coded for will not have significant impacts upon key viewpoints. Historic England is also content the Water Lane SPD is unlikely to result in significant effects on the historic environment that would trigger the need for Strategic Environmental Assessment.

8.14 The conclusions of these technical documents are reflected in the Water Lane SPD.

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

9.1 Adoption of the Water Lane SPD by the Council will support the creation of a new high quality, low car neighbourhood. This will help to deliver three corporate objectives in the 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 has been consulting on reforms to national planning policy. The consultation includes a proposals that would repurpose SPDs and change the process for their preparation. If this proposal is implemented, it could affect the lifespan of the Water Lane SPD. To minimise the risk of losing the planning policy controls afforded by the Water Lane SPD, the document reflects (as far as possible) the policies proposed in the Full Draft Exeter Plan and vice versa.

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

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

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

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

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

11.4 In recommending this proposal no potential impact has been identified on people with protected characteristics as determined by the Act because an Equalities Impact Assessment has been included in the background papers for Member's attention.

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

12.1 The Water Lane SPD includes specific content that will play a role in helping to achieve net zero, by supporting proposals that will reduce carbon emissions and impacts on the environment.

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

13.1 The document could not be adopted. However, this is not considered to be an appropriate option given the requirement in the Exeter Core Strategy to prepare a masterplan for Water Lane; the clear need for additional policy guidance to manage development at Water Lane; and the need for this to be in place as quickly as possible in order to appropriately steer and manage current and emerging planning applications.

**Director of City Development, Ian Collinson**

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

Background papers used in compiling this report:-

Equalities Impact Assessment

Exeter Local Plan First Review (1995-2011)

Exeter Core Strategy (2006-2026)

Outline Draft Exeter Plan (2022)

Full Draft Exeter Plan (2023)

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