

## **EXECUTIVE**

Tuesday 9 July 2024

Present:

Councillor Bialyk (Chair)

Councillors Wright, Allcock, Asvachin, Foale, Vizard, Williams, R and Wood

Also present:

Councillor Jobson (as an opposition group Leader);

Councillor Moore (as an opposition group Leader); and

Councillor M. Mitchell (as an opposition group Leader).

Also present:

Director of City Development, Director Finance, Director, Service Lead, Legal Services & Interim Monitoring Officer, City Surveyor, Service Lead Net Zero & Business, Planning Solicitor and Democratic Services Manager

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### **MINUTES**

The minutes of the meeting held on 4 June 2024, were taken as read, approved, and signed by the Chair as a correct record.

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### **DECLARATIONS OF INTEREST**

Members declared the following interests:-

- Councillor Wright- Minute No. 78 - non pecuniary interest; and
- Councillor Vizard - Minute No. 81 - non pecuniary interest.

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### **CHAIRS ANNOUNCEMENTS**

The Chair congratulated Steve Race on being elected as Exeter's new MP and David Reed who represented three Exeter Wards in the Exmouth and Exeter East constituency. He advised that both he and the Chief Executive would be writing to them to express their congratulations on their election.

The Chair also expressed his thanks to former Exeter MP, Ben Bradshaw who had stepped down after 27 years and thanked him for his dedicated service to the residents of Exeter. He advised he would be writing to Mr Bradshaw and to former MP Simon Jupp who had also supported the city in the Topsham and St. Loye's Wards.

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### **QUESTIONS FROM THE PUBLIC UNDER STANDING ORDER NO. 19**

No questions from members of the public were received.

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### **REVIEW OF THE CORPORATE RISK REGISTER**

The Executive received the quarterly report which advised on the Council's risk management progress and presented the revised Corporate Risk Register which was linked to the Council's Strategic Priorities to ensure priorities were properly considered, managed, and monitored.

The risk register had been reviewed by Directors in consultation with their relevant Portfolio Holder and any amendments had been made. The report would also be received at the Audit and Governance Committee meeting later in July.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Mitchell – enquired on the recommendation seeking clarity on how the Executive would identify actions it would be taking.

During the discussion, a Member highlighted the number of green risks on the register and noted the Council's successes, which were not reported.

In response to questions raised, the Director Finance advised that the purpose of the recommendation was to allow Members the opportunity to review the register and to request risks to SMB and the Portfolio Holders for consideration.

The Leader moved, and Councillor Wright seconded, the recommendations which were voted upon and CARRIED unanimously.

**RESOLVED** that Executive note the Corporate Risk Register and propose any necessary actions to help mitigate the risks for which it is responsible.

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#### **OVERVIEW OF GENERAL FUND REVENUE BUDGET 2023/24 - QUARTER 4**

The Executive received the report which advised Members of the end of year financial position of the General Fund Revenue Budgets for the 2023/24 financial year and sought approval for the General Fund working balance, a number of supplementary budgets and the creation of new earmarked reserves.

Particular reference was made to:-

- the actual take from the General Fund balance was £269,000, with a projected £284,000, at the end of Quarter 3;
- there had been a number of challenges - income generation and the higher pay award;
- there were significant underspends in budgets, relating to larger revenue projects undertaken during the year, and there were a number of supplementary budget requests to carry those projects forward;
- the majority of the supplementary budgets would be funded from reserves, with around £1.5 million being funded from the General Fund working balance;
- only £269,000 had been taken from the General Fund working balance during the financial year, with £1.5 million pounds set aside on the from the working balance to fund the supplementary budgets; and
- the Council was projected to be close to the minimum level of the General Fund balance at the end of this financial year.

The Leader requested a list of the earmarked reserves be provided to the Executive and for sharing at a future Member's Briefing.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Moore – enquired on the how the Portfolio Holders would be involved in monitoring the reserve level for the General Fund, given there were a number of recurring items.

During the discussion, a Member highlighted an anticipated £72,000 income being generated by the solar farm at Water Lane, which also generated power to vehicles and buildings.

In response to questions raised, the Leader advised that due diligence was in place and Portfolio Holders would continue to monitor the budget regularly.

The Leader moved, and Councillor Wright seconded, the recommendations which were voted upon and CARRIED unanimously.

**RECOMMENDED** that Council notes and approves (where applicable):-

- (1) approves the net transfer of £173,188 to Earmarked Reserves as detailed in paragraph 8.11 of the report;
- (2) approves the £6,235,860 supplementary budgets and budget transfers as detailed in paragraph 8.13 of the report;
- (3) note the Earmarked Reserves as of 31 March 2024;
- (4) note the Council Tax account and collection rate;
- (5) note the outstanding sundry debt, aged debt analysis and debt write-off figures;
- (6) note the creditors payments performance;
- (7) approve the £5,882,563 General Fund working balance at 31 March 2024, having considered the account the overall financial position of the Council; and
- (8) note the update to the One Exeter programme update.

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#### **GENERAL FUND CAPITAL MONITORING 2023/24 AND REVISED CAPITAL PROGRAMME FOR 2024/25 AND FUTURE YEARS**

The Executive received the report on the overall financial performance of the Council for the 2023/24 financial year in respect of the annual capital programme and sought approval of the 2024/25 revised capital programme, including commitments carried forward from 2023/24.

The Leader moved an additional recommendation to read as follows:-

- (3) £85,000 for the City Wall following tender returns, £185,000 to complete the RAMM re-roofing works and £88,120 as a contribution to a scheme to repair the roof at St Nicholas Priory. The additions would be funded by borrowing.

The Director Finance explained that the additional recommendation related to the budget for the city wall tender which originally came back in excess of £1million, prompting the team to re-design the scheme to go back out to tender. The new tenders came back at a more affordable price, but above the set budget, after the report was published. He further explained the tenders for the RAMM re-roofing works and contribution to repair the roof at St Nicholas Priory. To ensure the Council did not lose these opportunities, the additional recommendations had been requested.

Particular reference was made to:-

- although the capital programme was funded by borrowing, the Council was looking to use cash reserves to fund in the short term and would not be engaging in long-term borrowing until interest rates dropped to a suitable level;
- the total capital spend for the year was £5.6 million, from the approved revised capital programme of £72million. The finance team had been working closely with project managers to better align the capital programme; and

- the programme going forward would be around £27million with the timing of some schemes including the Guildhall shopping centre outside of the Council's control.

The Director Finance confirmed that that the £88,000 would only be paid as and when external funding was received.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Mitchell – enquired on whether the additional recommendation for the city wall include the work for the Northernhay Gardens section?

During the discussion, the following points were made:

- did the £1.5million and additional £85,000, complete the work on the wall?
- was the Council borrowing from its reserves at 0% interest and what was the period for repayment?
- was it the repair work referring to the section of wall by the city gate house?
- had grant funding options been considered for the repair work?

In response to questions raised, the Director Finance advised that:-

- the section of wall for repair was by the city gate and the Council was using cash to fund the project;
- although there was a 0% borrowing rate, there would be a loss of investment interest on the cash, which was better in the longer-term financial interest;
- grant funding had been looked at and would continue to be considered going forward; and
- depending on the terms of the grant, it could be considered if an opportunity rises after the money is borrowed for use on other parts of wall or other historic buildings.

The Leader moved, and Councillor Wright seconded, the recommendations which were voted upon and CARRIED as amended, unanimously.

**RECOMMENDED** that Council approves:-

- (1) the overall financial position for the 2023/24 Annual Capital Programme; and
- (2) the amendments and further funding requests to the Council's Annual Capital Programme for 2024/25.
- (3) £85,000 for the City Wall following tender returns, £185,000 to complete the RAMM re-roofing works and £88,120 as a contribution to a scheme to repair the roof at St Nicholas Priory. The additions would be funded by borrowing.

The Executive received the report which advised Members of the major differences, by management unit, between the approved budget and the outturn for the financial year up to 31 March 2024 in respect of the Housing Revenue Account and the Council's new build schemes.

Particular reference was made to:-

- the HRA was currently under its anticipated budget but had delivered significant progress on the Capital Programme;

- the HRA was originally budgeted to take £2.8 million from the HRA working balance, but only £1.5 million had been used; and
- the capital programme had delivered £24 million out of a revised £30.5 million programme and was split between £10.3 million on existing stock and £13.5 million for other projects.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Moore – commented on the Ash Die Back budget which had been unspent for a number of years and needed to be invested into biodiversity projects and tree planting to address the risk of Ash Die Back.

During the discussion, the following points were made:

- welcome the work that had been undertaken on the capital programme and thanks were made to the officers; and
- the ash dieback budget was put in place a few years ago to address the anticipated risk across the UK. In Exeter, the risk was not as prolific as first expected and the money was kept to deal with any effects of Ash Die Back, rather than for tree planting.

Leader advised that the Portfolio Holder would look at the Ash Die Back budget and provide a detailed response.

The Leader moved, and Councillor Wright seconded, the recommendations which were voted upon and CARRIED unanimously.

**RECOMMENDED** that Council notes and approves:-

- 1) the supplementary budget of £50,000 as detailed in paragraph 8.5 of the report;
- 2) the HRA financial position for 2023/24 financial year;
- 3) the revision of the HRA Capital Programme to reflect the reported variations detailed in Appendix 3 of the report;
- 4) the request to transfer £466,000 from the social housing acquisitions Section 106 budget to the social housing acquisitions open market budget as detailed in paragraph 8.13 of the report;
- 5) to request £74,000 of additional funding to finalise the Hamlin Gardens project; and
- 6) to request that the new HRA development at Hamlin Gardens (Brooke House) be designated as a scheme for applicants over the age of 60, as detailed in paragraph 8.14 of the report.

The Executive received the statutory report on the current Treasury Management performance for the 2023/24 financial year and the position regarding investments and borrowings at 31 March 2024.

Particular reference was made to:-

- the challenges to interest rates, borrowing, investing, assets and cash;
- the economic context and interest rate forecasts from the treasury management advisors, highlighted the changes since the previous year where it was originally forecast that interest rates would drop;
- going forward with a change in government, it would be difficult to provide an economic outlook; and

- the general fund had an improved position of £747,000 compared to the expected budget, with over a million pounds for the HRA, which was included in the budget for 2024-25.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Mitchell – enquired at what stage would a normal interest rate be considered?

The Leader highlighted the £164.7 million, which was used by the ratepayer's alliance for the amount of debt that the Council had and advised that the payable net interest would be less than 1% on average. He expressed his thanks to the Director Finance and his team for their hard work.

The Director Finance advised that although the budget was £1.5 million, the actual spend was £798,000.

The Leader moved, and Councillor Wright seconded, the recommendations which were voted upon and CARRIED unanimously.

**RECOMMENDED** that Council note the content of the report.

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#### **PARKING TARIFFS 2024**

The Leader advised that he would be deferring the report and that a report would be brought back at the earliest opportunity.

**RESOLVED** that the item be deferred.

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#### **INEXETER BUSINESS IMPROVEMENT DISTRICT BUSINESS PLAN 2025 - 2030**

Councillor Wright declared a non-pecuniary interest and left the meeting during consideration of the following item.

The Executive received the report on the process and proposals for a third term of the InExeter Business Improvement District (BID), as well as the 5-year Business Plan which businesses within the BID area vote upon in November 2024.

Particular reference was made to:-

- West Street, Bartholomew Street West and New North Road had been removed from the BID boundary due to the small number of BID levy payers there; and
- the third term was focussed on supporting businesses located within the city centre with a focus on providing safety, security, enhanced environment, and celebrating the city and its businesses.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Moore – welcomed the report and enquired on whether consideration had been given to extending the relationship to those community's businesses at the quay who also made a valuable contribution to the city.

During the discussion, Members welcomed the report and noted the contribution it would have towards the Council's Net Zero ambitions and one Member welcomed

the opportunity to meet the incoming programme manager to discuss future working.

The Leader advised that the Portfolio Holder who sits on the board will raise the matter of extending relationships but it was a matter for the InExeter Business Improvement District (BID) to agree.

The Leader moved, and Councillor R. Williams seconded, the recommendations which were voted upon and CARRIED unanimously.

**RECOMMENDED** that Council:-

- (1) votes in favour of continuing the InExeter Improvement District (BID) in the forthcoming ballot in November 2024;
- (2) approves a budget of £7,000 to undertake the ballot to be funded from General Fund reserves;
- (3) agree for the Portfolio Holder for Corporate Services and City Centre to continue sitting on the InExeter Board, with support from the Service Lead for Net Zero & Business, to oversee the interests of the City Council and wider city centre through activity undertaken by InExeter;
- (4) supports an amendment of the BID boundary to exclude West Street, Bartholomew Street West, and New North Road;
- (5) charge InExeter in collecting the BID levy, calculated at £12,000 + VAT per annum per year; and
- (6) agree for the Service Lead for Net Zero & Business to draw up contingency plans, to be implemented in the result of a no vote in November 2024.

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**LIVEABLE WATER LANE: DEVELOPMENT FRAMEWORK AND DESIGN CODE  
SUPPLEMENTARY PLANNING DOCUMENT**

The Executive received the report which sought Council approval to adopt a Supplementary Planning Document (SPD) to guide development at Water Lane. The SPD was required to support the delivery of high-quality, co-ordinated redevelopment and placemaking in the Water Lane area of the city, whilst assisting the Council in delivering the Liveable Exeter Principles and supported the preparation of the Exeter Plan.

Particular reference was made to:-

- Water Lane was one of the City Council's strategic priorities and was a key Liveable Exeter regeneration opportunity;
- most of the area had been allocated for development about 20 years ago, with a commitment to produce a master plan for water Lane, which the SPD had delivered on;
- the SPD would help shape development at Water Lane and support the coordination of the design and infrastructure with developers;
- a significant amount of technical work had been included in SPD documents which had been prepared by consultants led by LDA design;
- the work had been paid for from a government grant from Holmes England;
- the SPD would form a part of the formal planning policy ahead of the emerging Exeter Plan;
- a major element of the work undertaken had been on consultation and engagement with developers and communities. Consultation had followed the same process used in the Exeter Plan and included statutory bodies such as the Environment Agency and Historic England;

- the location of the neighbourhood centre had been amended and flexibility of the primary school location had been included;
- there had been refinements made to the facilities for water access;
- more control had been included for building heights, street design and density;
- more clarity was given to cycling and walking, and introducing bus routes, with restrictions on car parking; and
- the SPD was divided into seven key principles which were outlined in the report.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Mitchell – enquired on whether the SPD provided protection against developers who did not support the Council’s vision and what security did the SPD provide for delivering the vision?
- Cllr Moore – welcomed the report and noted residents were open to the development. She commented on the issues of increased density and design in key areas and the need for having a primary care facility and commitment to including NHS facilities.

She further commented on developers providing support for a bridge across the canal for active travel and whether developers would be expected to demonstrate their commitment to limiting negative climate and environmental construction.

- Cllr Jobson – welcomed the report and the need for developers to understand Gabriel’s Wharf must remain open, which was vital to the canal.

During the discussion, the following points were made:

- the issues on Gabriel's Wharf had been raised with the team;
- the report was commended and demonstrated good practise in consultation processes and thanks were made to the officers involved;
- how was the SPD information being linked to the current planning applications for this area?
- the detailed report highlighted the commitment to prioritising brownfield sites for new quality climate ready buildings;
- the report was a good example of how the Council listened to residents; and
- the community support received for the SPD was welcomed and encouraging.

In response to questions raised, the Director City Development advised

- a recent planning application for Haven Banks retail park was a good case study on how a living SPD document worked. It enabled engagement with the developers to ensure the application confirmed to the Council’s vision and went through a number of changes before going to Planning Committee;
- the issues around detail and design, height and climate impacts would be dealt with at the planning application stage; and
- the SPD provided a framework for developers to adhere to.

The Leader moved, and Councillor Wright seconded, the recommendations which were voted upon and CARRIED unanimously.

**RECOMMENDED** that Council approves the adoption of the Water Lane SPD, included as Appendix A of the report.



**RESOLVED** that the Executive:-

(1) note the Consultation Statement 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, the Water Lane Primary School Options Appraisal, the Haven Road Position Statement, the Liveable Water Lane SPD Transport and Mobility Technical Note, and the Water Lane Views Analysis;

(2) grant 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.

\* Officer Title has since changed to Strategic Director for Place.

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### **PRODUCTIVITY PLAN**

The Executive received the report which set out the background to the Government's requirement for all Councils to produce productivity plans and provided a draft plan for member approval, before the government submission deadline of 19 July 2024.

Particular reference was made to:-

- the productivity plan was not a statutory responsibility, despite being a government request;
- this was an opportunity to inform the government of productivity matters and their future plans; and
- the report also provided the Council with an opportunity to review where the Council was and what it was looking to achieve.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Mitchell – welcomed the report and the opportunity to look at increasing productivity. He referenced a report from Cambridge University, on the success of four-day week working practices which saw a 22% increase in productivity, and whether there was scope for the Council to adopt this.

During the discussion, the following points were made:

- the report was welcomed and was easy to read and acted as a reminder of where the Council was and how it was progressing;
- work on improving productivity would be ongoing with the One Exeter and digital transformation work;
- the report highlighted barriers that the Council faced; and
- it would be beneficial to also compare the Exeter document with that of other authorities.

The Leader moved, and Councillor Wright seconded, the recommendations which were voted upon and CARRIED unanimously.

**RESOLVED** that the Executive approve the Productivity Plan and grant delegated authority to the Chief Executive, in consultation with the Leader of the Council to make any necessary drafting amendments before publication.

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### **KING GEORGE V PLAYING FIELDS**

Councillor Vizard declared a non-pecuniary interest and left the meeting during consideration of the following item.

The Executive received the report which proposed the transfer by lease of the whole of the King George V Playing Fields, including the changing rooms, to the Exeter City Community Trust with continued public access by the community.

Particular reference was made to:-

- the Council had considered ongoing operational and repair savings as well as the opportunity to deliver new facilities for sport, leisure, and community use in the area without the need for City Council capital investment;
- there were mechanisms currently under discussion with the Trust for securing existing Council income streams;
- the report addressed issues around best consideration; it being felt that the improvements to the site satisfied the requirements;
- there was a requirement to advertise this as a public open space disposal. The advert had been placed just prior to the announcement of the election. The public open space advert process had now completed and submissions had been received and were under consideration;
- there was an intention to carry out a full public consultation during the summer which would be supported by local event surveys and opportunities for people to comment on the proposals; and
- the alternative option was effectively to carry on the running the playing field as it was now, without the opportunity to deliver enhanced facilities.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Mitchell – welcomed the report and sought assurance that the lease would ensure the site remained open for community use and guaranteed public access.
- Cllr Moore – enquired on whether there could be a commitment to increasing biodiversity and avoiding the use of plastics in the new facilities.

During the discussion, the following points were made:

- the proposals were welcomed, especially with more people playing football with a lack of access to 3G pitches in the city;
- having a full consultation was welcome;
- what information would be disclosed to the public?
- it was a large open space with facilities, which could be used more, and the facilities required an update;
- working with the Trust was welcomed; and
- this would provide new opportunities for a wide range of people, beyond use for football.

In response to questions and points raised, the City Surveyor advised:-

- that in terms of consultation and public access, there would be a wide ranging, fully open public consultation on the plans and the future;
- residents, local community groups and interested parties would be able to fully engage in the process with local events;
- the site would remain accessible to the general public, with improvements focused at improving sport, community uses, and wellbeing;
- the report was asking for authority to an agreement for lease, the details of which would be worked out and would include conditions to commit to public access rights and all issues would be worked through before any lease was actually granted; and
- leases were not the best means for delivering a commitment to biodiversity but those issues could be resolved through the planning process.

The Leader moved, and Councillor Wright seconded, the recommendations which were voted upon and CARRIED unanimously.

**RESOLVED** that Executive approve for the Council to enter into agreement for lease dictating terms for the eventual grant of a lease of the King George V Playing Fields to the Exeter City Community Trust (ECCT) in accordance with the broad proposals set out in this report but with negotiation and agreement of detailed terms to be delegated to the City Surveyor in consultation with the Leader of the Council.

82      **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 the following item on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of Part 1, Schedule 12A of the Act.

83      **LAND AT PENDRAGON ROAD**

The Executive received the report to consider the approach that had been made to the Council for the grant of options for the acquisition of access land across a strip of amenity land off Pendragon Road to facilitate the development of land adjoining the Council's ownership.

Officers advised the Executive on the options available, in either agreeing to grant options to enable the site to deliver the residential scheme: thereby securing capital receipts and ongoing CIL and council tax income streams, together with significant affordable housing provision or, alternatively, to refuse and retain the strip for community amenity purposes.

The Service Lead, Legal Services & Interim Monitoring Officer, advised the Executive of S25 of the Localism Act 2011 and emphasised decision makers must ensure they have an open mind and consider all the issues when reaching a decision.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Jobson – enquired on whether there were any other legal obligations the Council needed to be aware of and what those might be?
- Cllr Mitchell – enquired on whether there was anything mentioned in the appeal decision regarding social housing?

The Executive Committee in determining their response made the following points:-

- it was important for Members to keep an open mind on this matter;
- a fair balance needed to be made between the interests of the Council and Taxpayer with community interests;
- the decision would provide a sizable capital receipt and the delivery of housing, but would make a considerable change and impact to that part of the city;
- carbon emissions from cars would increase if the land were sold, causing more harm to the community than benefit;
- the whole site needed to be considered and not just the access;
- although there was now planning permission, the decision to grant options was not tied to that, and considering all the arguments for and against, selling of the land was not a good option;
- the Executive's decision and reasoning was not solely for the developer but for the wider community;
- the land was currently used as amenity land by the local community and selling would not provide any enhancements to residents and would be damaging to wildlife and biodiversity; and
- the land was beneficial to the community with established trees and hedges.

The Leader in concluding raised the following points:-

- he welcomed the Executive's points and open mind on the matter;
- there was a balance between the need to build affordable homes as recognised in the Council's Corporate Plan, with the wider interests of all residents of the city;
- the Executive had considered the Planning Inspector's decision to grant planning permission, but respectfully disagreed with it;
- evidence in the local plan showed the site had a high to medium landscape sensitivity;
- the Council was consulting on a new Local Plan about protecting the green spaces around Exeter for the benefit of residents and building new housing on brownfield land;
- the Council had a 4-year housing land supply which had been reduced down from 5 years, given the progress that the Council had made with the Local Plan; and
- he had considered the advantages and disadvantages and noted the views of the Executive Members.

The Leader moved an amendment to the recommendations to read as follows:-

- That having considered the report and other views, the Executive was not minded to sell the land.

The Leader moved, and Councillor Wright seconded, the recommendation which were voted upon and CARRIED unanimously.

**RESOLVED** that having considered the proposal and other views, the Executive was minded not to sell the two areas of amenity land.

#### **RELOCATION OF THE GREEN SPACE TEAM AND DISPOSAL OF THE EXISTING GREEN SPACE DEPOT AT BELLE ISLE**

The Executive received the report on the disposal of the Green Space team depot at Belle Isle and to relocate the Green Space team to a new depot. The depot site had been identified for redevelopment by Exeter City Living (ECL). The report also

sought authority for short-term capital expenditure required to facilitate the disposal of Belle Isle site.

The City Surveyor outlined the details in the report.

The Leader moved and Councillor Wright seconded an amendment to the recommendations to read as follows:-

- 2.3 delegate authority to the City Surveyor, in consultation with the Leader and the Director Finance to:
  - i) approve the final terms associated with the acquisition of an alternative depot site;
  - ii) approve the final terms associated with the disposal; and
  - iii) in accordance with the Local Government Act 1972 Section 122 to appropriate the existing Belle Isle site (shown on the plan at Appendix 1), for planning purposes to facilitate the carrying out of development, re-development, or improvement on or in relation to that land.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Mitchell – enquired on whether the site was sold first before a new site was purchased and would the purchase be coming from reserves or from borrowing in the short term?
- Cllr Moore – enquired on the whether maximising capital receipts would compromise the integrity of the site and was there consideration for affordable housing in this area?

During the discussion, the following points were made:

- the recommendations would support making best use of the Council owned brownfield sites;
- did ECL receive the funding for the initial investigation onto the site and had the investigation been completed?
- was the Council able to sell the land provided that planning permission was granted?

In response to questions raised, the City Surveyor advised

- the Council would seek the best offer with conditional contracts subject to planning permission for acceptable development;
- nothing would be sold until the relocation was agreed;
- it was possible that a developer might have a site to swap, which may provide additional range of sites for depot relocation;
- there were still some sites with BLRF funding, which was available to spent, but there was a time limit on its use, which was conditional on the sale of the site for residential development.

The Leader moved, and Councillor Wright seconded, the recommendations which were voted upon and CARRIED unanimously.

**RECOMMENDED** that Council approve:-

(1) the allocation of a £2.5million capital budget to cover the costs of acquiring and developing an alternative Green Space depot site and the preparation of the Belle Isle site for disposal;

(2) the unrestricted disposal of land at Belle Isle, as shown on the site boundary plan in Appendix 1 of the report;  
(3) that delegated authority be granted to the City Surveyor, in consultation with the Leader and the Director Finance\* to:

- approve the final terms associated with the acquisition of an alternative depot site;
- approve the final terms associated with the disposal; and
- in accordance with the Local Government Act 1972 Section 122 to appropriate the existing Belle Isle site (shown on the plan at Appendix 1), for planning purposes to facilitate the carrying out of development, re-development, or improvement on or in relation to that land.

\* Officer Title has since changed to Strategic Director for Corporate Resources.

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### **DISPOSAL OF LAND AT GRACE ROAD FIELDS FOR THE FACILITATION OF THE LOW CARBON EXETER DISTRICT HEAT NETWORK**

The Executive received the report to dispose of part of Exeter City Council's land holdings at Grace Road Fields, at best consideration, to Exeter Energy Network, following the award of £42.5million by Central Government to Exeter Energy Network to build a heat network using water source heat pumps.

The City Surveyor outlined the details in the report which outlined the options and the best recommendation going forward.

The Service Lead, Legal Services & Interim Monitoring Officer advised that the report was not a planning consideration and that any Executive Member sitting on Planning Committee would need to keep an open mind on matters brought before them.

Opposition group leaders spoke on the item and made the following points:-

- Cllr Moore – advised that the land was within the Valley Park master plan, which needed to be considered and whether a statement needed to be made.
- Cllr Mitchell – enquired on whether the Council was disposing on freehold or on leasehold grounds?

During the discussion, the following points were made:

- clarity was sought on whether there should be a public consultation?
- would the land be sold with any pledges to ensure no houses were built on the site?
- the Valley park protection and assurances was valid, but was subject to planning considerations; and
- the timescales for funding were uncertain, but it was a good project in principle

In response to questions raised, the City Surveyor advised

- the site was designated as Valley Park and therefore any planning application would have to address that issue;
- it was not clear in the report, but it should read that the disposal of open space would be published in the normal way, which was two consecutive weeks, with the submissions to be considered;
- the Council nearly always included restrictive covenants on disposals to control development; and

- there would have to be a very long leasehold for the amount of investment required.

The Leader moved, and Councillor Wright seconded, the recommendations which were voted upon and CARRIED unanimously.

**RESOLVED** that Executive approve:-

(1) the off-market disposal of part of Grace Road Fields, to Exeter Energy Network ("EEN"), or one of its associated vehicles, for the delivery of a Low-to-Zero Carbon heat network having consideration to the best consideration report prepared by independent Chartered Surveyors;

(2) that delegated authority be given to the City Surveyor, in consultation with the Council Leader and the Director Finance\* (S151 Officer) to approve:

- a) the final boundary and terms associated with the disposal of the site; and
- b) to appropriate the wider Grace Road Field site, which belongs to the Council for planning purposes to facilitate the carrying out of development, re-development, or improvement on or in relation to that land.

(3) that subject to approval of (1) above, that notices be published in relation to the disposal of open space at Grace Road Fields with the results presented to the Executive prior to any exchange on the disposal of the site.

\* Officer Title has since changed to Strategic Director for Corporate Resources.

(The meeting commenced at 5.30 pm and closed at 8.21 pm)

Chair

**The decisions indicated will normally come into force 5 working days after publication of the Statement of Decisions unless called in by a Scrutiny Committee. Where the matter in question is urgent, the decision will come into force immediately. Decisions regarding the policy framework or corporate objectives or otherwise outside the remit of the Executive will be considered by Council on 16 July 2024.**

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