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## Local Development Order for Land off Long Lane

### Report summary:

The report seeks support for undertaking the Local Development Order (LDO) process with a view to the Council adopting a LDO for employment generating uses on the site referred to as Land off Long Lane. This site is one of the four that comprise the Exeter and East Devon Enterprise Zone designation with a simplified planning regime being a key part of the offer to accelerate the delivery of new commercial development and employment.

The LDO sets out the permitted development and defines the restrictive terms which limit the scope of the development and the conditions which need to be met. The draft Order is attached at Appendix 1. The order will be accompanied by a Design Code which sets out how the development will take place. Criteria are set within the Design Code which must be complied with to ensure high quality design and prevent adverse impacts from the development.

A Statement of Reasons sets out the background and the justification for the LDO and is attached at Appendix 2.

### Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

### Recommendation:

It is recommended that Committee approve the formal public consultation process for a LDO on Land off Long Lane, with delegated authority be given to the Development Manager to finalise and agree the consultation draft of the LDO.

### Reason for recommendation:

Through the adoption of a LDO the Council can encourage appropriate delivery of the site in accordance with the aims and objectives set out in East Devon Local Plan 2013 – 2031 and East Devon Council Plan 2021 - 2023.

The LDO will reduce the regulatory processes and delays associated with the submission of planning applications, encouraging investment into the area and the creation of jobs. The LDO will provide a framework for co-ordinating sustainable development of the site to achieve a mixed use scheme with good place making whilst minimising the impact upon the local environment and wildlife.

Portfolio(s) (check which apply):

- ☐ Climate Action and Emergency Response
- ☐ Coast, Country and Environment
- ☐ Council and Corporate Co-ordination
- ☐ Democracy, Transparency and Communications
- ☒ Economy and Assets
- ☐ Finance
- ☒ Strategic Planning
- ☐ Sustainable Homes and Communities
- ☐ Tourism, Sports, Leisure and Culture

**Equalities impact** Low Impact

**Climate change** Medium Impact

**Risk:** Low Risk; The delivery of the Order will comply with the Town & Country Planning (Development Management Procedure Order) (England) 2015.

**Links to background information** [LDO Land off Long Lane Design Code East Devon Local Plan 2013-2031](#) [National Planning Policy Framework](#) [The Town & Country Planning \(Development Management Procedure\) \(England\) Order 2015](#)

**Link to [Council Plan](#)**

Priorities (check which apply)

- ☐ Better homes and communities for all
  - ☒ A greener East Devon
  - ☒ A resilient economy
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## Report in full

### 1. Introduction

- 1.1. The implementation of a simplified planning regime in Exeter and East Devon Enterprise Zone has been included in the Enterprise Zone work programme from the commencement of the designation in April 2017.
- 1.2. A Local Development Order (LDO) is an Order made by the Local Planning Authority (LPA) that grants planning permission for a specific development proposal or classes of development in defined locations. LDO's are a flexible tool for the LPA to use to accelerate the planning process by providing permitted development rights for appropriate development on a site.
- 1.3. The LPA have been working in partnership with the site promoters and other key internal and external stakeholders to agree the specifics of the LDO including the setting of the development parameters and the Design Code, within which the development of the site can emerge.

## **2. Background**

- 2.1. The Town and Country Planning Act 1990, Section 61, permits Local Planning Authorities (LPA's) to make Local Development Orders granting planning permission for development in their area. The Town & Country Planning (Development Management Procedure Order) (England) 2015 sets out the procedure that must be undertaken for the preparation and adoption of an LDO.
- 2.2. LPA's can make an LDO to extend permitted development rights or grant planning permission, for specific development proposals or classes of development within a particular area.
- 2.3. The site in question forms part of Exeter and East Devon Enterprise Zone (EEDSZ), which was designated in 2017. The Government introduced Enterprise Zones to stimulate private sector investment and support business development. Enterprise Zones include the provision of financial incentives, including business rates discounts, to support business growth together with simplification of the planning system such as through the adoption of Local Development Orders.
- 2.4. The principal objective of the LDO is to encourage and facilitate the development of the site by providing a simplified approach to planning which reduces the regulatory processes and delays associated with the submission of planning applications. The LDO seeks to encourage investment and create a sustainable high quality business park enabling flexibility for the site to provide for changing demands within the business/industrial sectors.
- 2.5. The area covered by the proposed LDO relates to a site designated under Strategy 18 of the adopted Local Plan - Future Development of Exeter Airport Business Park that states the following:

*'To enable modest expansion of the Exeter Airport Business Park 5 hectares of additional land (over and above the Training Academy and hotel site) is allocated, for business/employment generating uses as shown on the Proposals Map. Highway improvements will be required in order to access this site and also to enhance general airport access.'*

- 2.6. The proposed area of this LDO covers all of the allocation under Strategy 18, but also extends it slightly as the original allocation does not extend to the full extent of the field boundaries. As such, this LDO covers the whole of the field up to the clear hedgerow boundaries, although the majority of the site boundary will form a landscape strip around the site.

## **3. Details of the LDO**

- 3.1. In accordance with the provisions set out in The Town & Country Planning (Development Management Procedure Order) 2015 the Local Planning must prepare a draft Order and a Statement of Reasons. These are attached to the report in Appendix 1 & 2 respectively.
- 3.2. The LDO would remove the need for developers to apply for planning permission for development of the site for employment generating uses, as defined in the order.
- 3.3. The maximum development permitted by the order would be 26,000 sqm. The permitted uses shown in the draft order are as follows;

- B2 General industrial
- B8 Storage & distribution – max 18,200 sqm (70% of total permitted development)
- E (g) i) Office – max 2,600 sqm
- E (g) ii) Research & development
- E (g) iii) Any industrial process
- E (b) Food & drink – max 200 sqm
- E (d) Indoor sport & recreation – max 200sqm
- F1 (a) Learning and non-residential institutions for the provision of education – max 500sqm

- 3.4. The development rights permitted under the LDO would allow for future changes of use as long as it is within the limitations of the LDO.
- 3.5. The order also specifies a list of conditions which must be met. Any development outside of these limitations or which does not comply with the list of conditions would not be deemed as permitted development by the Order.
- 3.6. The Design Code provides an indication of how the site may come forward, with various plans showing different unit sizes and layout. The site will be split into three zones which will be separated by landscaping and roads. The LDO is accompanied by a map which defines the developable areas of the site, clearly setting out areas which will not be built on, including landscaped areas, SuDs and the access road. The development parameters vary according to each zone, limiting the height and size of units.
- 3.7. To ensure that the development is acceptable in planning terms parameters are set within the LDO and the Design Code to restrict the development. The parameters will ensure that an appropriate mix of uses and unit sizes are provided on the site. The Local Plan allocates the site for business/employment generating uses under Strategy 18 and does not restrict any particular business/employment use on the site. The proposals under the LDO will enable a greater level of control over what can currently be achieved through the Local Plan and will ensure the development of the site comes forward as a mixed use scheme with various unit sizes to accommodate a variety of business/employment uses.
- 3.8. The development parameters also ensure that adequate mitigation takes place to minimise adverse impacts upon the landscape and natural environment and support an increase in bio-diversity.
- 3.9. Sustainability is a key aspect of the development; The development will be required to meet BREEAM standards of “Excellent” on all buildings over 500sqm and “Very good” on all other buildings; The buildings will be fitted with solar panels; Travel Plans will be required to be submitted and approved to support low carbon development; Electric vehicle points will be provided for all units.
- 3.10. Informal consultation has taken place with relevant stakeholders to address issues such as transport, drainage, flooding, ecology and aerodrome safeguarding. Alongside this LDO, the developer, working with Devon County Highways, have already agreed, and are working on, highway improvements to Long Lane to facilitate the development.
- 3.11. To ensure development takes place in accordance with the LDO there will be a requirement to submit an Application for Compliance. There will also be some instances where written

approval is required from the LPA to comply with a condition. For both of these matters the developer will need to submit all the relevant information and appropriate fee.

3.12. The duration of the LDO is defined within the draft Order as 10 years from the date of adoption. The Council can revoke, amend or extend the Order at any time.

#### **4. Benefits of implementing an LDO**

4.1. The LDO is seen as an effective tool for simplifying and speeding up the planning process. It is a proactive approach to planning which provides certainty and clarity to developers and landowners and supports the objectives of the Enterprise Zone.

4.2. The LDO accords with and assists the implementation of East Devon District Council Local Plan 2013-2031. Relevant policies in the consideration of the LDO are listed in the Statement of Reasons (Appendix 2)

4.3. The LDO will assist the delivery of East Devon Council Plan 2021-23;

- Council Priority 2 - A greener East Devon
- Council Priority 3 – A resilient economy

#### **5. Alternative options**

5.1. The alternative is to not prepare and adopt a LDO for the site. Developers would then be required to gain planning consent for development. This approach would in delay the site coming forward for development while planning applications are prepared and may not achieve delivery of a mixed use scheme.

#### **6. Next steps**

6.1. The draft LDO and Design Code will be prepared and finalised for consultation.

6.2. The statutory consultation process as defined in the DMPO 2015 (Article 38) needs to be undertaken. In addition to the prescribed bodies the LPA must consult any person affected by the LDO as per a conventional planning application. The consultation period will run for 28 days.

6.3. Following the consultation process any representations received will be considered and an amended draft of the Order will be drawn up. A report on the revised draft of the LDO will be presented to the Planning Committee prior to the Adoption of the LDO by the Council.

#### **7. Conclusion**

7.1. The LDO will facilitate development, supporting the local economy and creating jobs. It will provide a framework for co-ordinating sustainable development of the site to achieve a mixed use scheme with good place making whilst minimising the impact upon the local environment and wildlife.

- 7.2. The LDO controls the permitted development though its limitations and conditions. Development being built under the LDO will have to accord to the parameters set within the LDO and the Design Code.
- 7.3. The regulations allow the LDO to be revoked or amended at any time should the Council change its policies or views on how the site should be developed.

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### **Financial implications:**

The Enterprise Zone policy is designed to stimulate the pace of economic development on the zone and the local economy of which it is a part. The primary financial implication is that business rates growth within the zone, for a significant period, is retained by the local area to support the Council's and Local Enterprise Partnership's economic priorities.

### **Legal implications:**

The power to make an LDO is discretionary and the LDO must be adopted for it to take effect. The power to adopt an LDO has been delegated to the planning committee. There are no other legal implications other than as set out within this report for consultation.