

Agenda for Strategic Planning Committee

Tuesday 11 July 2017, 10am



[Members of the Strategic Planning Committee](#)

Venue: Council Chamber, Knowle, Sidmouth, EX10 8HL

[View directions](#)

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- 1 [Public speaking](#)
- 2 Minutes of the Strategic Planning Committee meeting held on 29 March 2017 (pages 3 - 7)
- 3 Apologies
- 4 [Declarations of interest](#)
- 5 [Matters of urgency](#) – none identified
- 6 To agree any items to be dealt with after the public (including press) have been excluded. There are no items that officers recommend should be dealt with in this way.

Matters for Debate

- 7 **East Devon Local Development Scheme – July 2017** (pages 9 - 23)
The report provides details of the proposed revised Local Development Scheme for East Devon, which sets out details and a timetable for future planning policy production in East Devon.
- 8 **Local Development Orders within Enterprise Zone** (pages 24 - 27)
The report provides an update on the proposed work programme for the delivery of Local Development Orders within the Enterprise Zone.
- 9 **Planning appeals status report** (pages 28 - 32)
The report updates Members on the current situation regarding planning appeal decisions and provides an overview of the results of planning appeals for the year from 1st April 2016 to 31st March 2017.
- 10 **Community Infrastructure Levy – Payment in kind policy** (pages 33 - 37)
The report outlines the potential for Community Infrastructure Levy to be paid 'in kind' by land and/or infrastructure, rather than in cash and provides an overview of payment in kind; and explains the policy document that has been drafted to enable the council to accept CIL payments by land or infrastructure if it wishes to do so.

11 **Employment land review report** (pages 38 - 70)

The report provides summary details of the Employment Land Review for 2015-16 and 2016-17.

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[Decision making and equalities](#)

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EAST DEVON DISTRICT COUNCIL

Minutes of a meeting of the Strategic Planning Committee held at Knowle, Sidmouth on 29 March 2017

Attendance list at end of document

The meeting started at 2.00 pm and ended at 4.03 pm.

In the absence of a Vice Chairman, the Committee agreed to Cllr Godbeer acting as Vice Chairman for the meeting.

***40 Public speaking**

The Chairman welcomed everyone present to the meeting. The one registered speaker opted to speak when the item was considered (minute *45 Housing monitoring and Five Year Land Supply calculations).

***41 Minutes**

The minutes of the Strategic Planning Committee meeting held on 20 March 2017 were confirmed and signed as a true record.

***42 Declarations of interest**

Cllr Jill Elson; Minute *44 – Community Infrastructure Levy - Guidance Interest - Personal
Reason: Chair of Governors, Exmouth Community College

***43 Planning and conversion of rural buildings to dwelling – briefing note**

The Committee considered the briefing note which sought to provide Members with a more detailed understanding of current national and local planning policy in relation to the conversion of rural buildings to residential use and also outlined how planning and related applications were considered in East Devon. Members noted that there were two types of applications that could be received for conversion of rural buildings to dwellings:

- Planning applications – which were considered against the NPPF and Local Plan policies; and
- Applications for ‘prior approval’ – which were considered against criteria set out within the legislation for dealing with permitted development rights. These applications had to be determined within 56 days and therefore had to be considered under delegated powers.

Point raised during a lengthy discussion on the briefing note included:

- Frustration that under current legislation sustainability was a material consideration for planning applications but could not be considered for ‘prior approval’ applications;
- The need to be specific when refusing applications on sustainability grounds;
- The need to be more positive about the re-use of redundant buildings in villages;
- It was considered that policy on succession housing for rural workers was not currently being applied as intended;
- The need to ensure that a building was truly redundant and not fit for purpose before permitting conversion;
- Farm sustainability needed to be taken into consideration when considering applications. The farming position was evolving all the time;
- Support for a workshop to talk through issues highlighted. Useful to have input from groups/agencies such as NFU, CPRE, Federation of Small Businesses;

- Appreciation for the difficult position planning officers were placed in trying to balance national and local policy;
- The need to be proactive and supportive of the rural areas in order to help them thrive;
- Legislation allowed permitted development on barns converted under prior approval;
- The economy was of vital importance in the rural areas;
- A policy was required that supported the effective use of redundant buildings.

In response to a question regarding changing policy, the Service Lead – Strategic Planning and Development Management advised that a Supplementary Planning Document could be produced to explain how a policy should be interpreted and provide more clarification but changes to policy could only occur through a plan review.

RESOLVED:

1. that the briefing note outlining the current policy position relating to the conversion of rural buildings to permanent be noted.
2. that the Service Lead – Strategic Planning and Development Manager arrange a workshop for members of the Strategic Planning Committee and Development Management Committee and appropriate outside groups/agencies to discuss issues relating to the conversion of rural buildings and wider rural development issues.

44 Community Infrastructure Levy – Governance

The Service Lead – Strategic Planning and Development Management presented the report which sought agreement to formalise arrangements for the governance of Community Infrastructure Levy (CIL) income and expenditure. The report built on the broad approach recommended by the CIL Task and Finish Forum (TaFF), comprising of Members and officers, which had been subsequently agreed by Cabinet in September 2013. Members noted that a more detailed timetable, in line with the budget setting process, would be brought to a future meeting.

During discussion on the detail of the report and recommendations, the Chairman brought to the Committees' attention the significant shortfall in infrastructure spending requirements compared with funds that would be available through CIL.

RECOMMENDED: that Council agrees:

1. the governance structure set out in the diagram at paragraph 4.21 of the committee report;
2. that 5% of the Total CIL income per annum be retained for reimbursing administration costs subject to annual monitoring and review;
3. that 8.6% of the Total CIL income per annum will be ring-fenced in a separate account for Habitats infrastructure mitigation;
4. that net new dwellings will be required to pay HRA (Habitat Regulations Assessment) non-infrastructure mitigation through S106 Agreements/Unilateral Undertakings in addition to CIL. The amounts to be collected per dwelling will be as follows: £96.46 in the Exe only area, £146.85 in the Pebblebeds only area and £201.61 in the combined area. ;
5. that the validation checklist be amended to take account of the changes proposed in recommendation 4 and that following consultation the amended validation checklist be adopted;

6. that the “meaningful proportion” funds will be transferred to town and parish councils twice a year on 28 April and 28 October each year or where it relates to a parish meeting, the money will be held by EDDC;
7. that the remaining CIL income be retained as a single main CIL pot to allow more flexibility and more timely delivery of key infrastructure;
8. that CIL will generally be used to match fund other funding sources (internal and external) so that it can stretch over multiple priorities, however, this will not restrict CIL being used to entirely fund certain specific projects if required;
9. that the Council will work closely with town and parish councils, parish meetings and local communities to develop joint lists of priorities for CIL spend at a local level;
10. that the eligibility criteria set out in the table at paragraph 4.23 be used to filter out unsuitable or otherwise ineligible projects seeking CIL funding at an early stage;
11. that a funding bid application form be used to gather the information on eligible projects required for officers to make recommendations on which projects to fund and agreement of this form be delegated to the Service Lead – Planning Strategy and Development Management.
12. that an officer/Member working group be set up to consider draft recommendations of officers ahead of recommendations being made to Strategic Planning Committee to ensure they have been informed by key priorities and knowledge of wider issues. The working group shall comprise 5 Members from Strategic Planning Committee and shall be appointed by the Council.
13. that the Chief Executive be authorised to write to the Government on behalf of the Council highlighting the problems associated with the delivery of infrastructure under the CIL regime and request that the pooling restrictions that are applied to Section 106 agreements be lifted to enable the required infrastructure to be secured.

RESOLVED: that the following be noted:

1. CIL funds were not expected to cover the costs of delivering all required infrastructure alone;
2. Whilst Total CIL income was projected to be around £40.6m over the plan period, only around £30.8 may be available to spend on infrastructure and around £3.5m of that would need to be spent on Habitat Regulations Assessment mitigation leaving approximately £27.3m for other infrastructure projects. Income projections were approximate estimates only based on a number of assumptions and caveats. A number of types of development were eligible for relief or exemption from paying CIL and whilst this had been factored in to an extent, the full impact of this was not yet known and could further reduce income. CIL should form part of a wider Council funding package for infrastructure potentially also including New Homes Bonus, business rates retention and the Council’s capital programme. The Council would therefore need to act in an entrepreneurial manner to secure income wherever possible to reduce the funding gap for the delivery of infrastructure identified in the committee report.

***45 Housing monitoring and Five Year Land Supply calculations**

The Service Lead – Strategic Planning and Development Management presented the report setting out the latest monitoring figures on housing completions and projections, and the Five Year Land Supply calculation to a base date of 30 September 2016. Members noted that in summary there had been 354 net completions in the last six months (1 April 2015 to 30 September 2016) and that officers considered that the Council was able to demonstrate 6.13 years supply of housing.

The Chairman invited Cllr Ray Bloxham of Cranbrook Town Council to address the Committee.

Councillor Bloxham spoke of the Town Council's concern regarding the slow down of housing completions in the town and the risk that the delay in issuing permissions could lead to developers taking their investment elsewhere. The Town Council considered the production of the masterplan to be the main reason for the reduced build rates as this was delaying the processing of applications – the masterplan was unnecessary at this stage. It was also felt that there was insufficient resources being put to the Cranbrook applications. There was concern that if build rates did not recover the town centre investment and economic development in the town would be at risk.

In response the Service Lead – Strategic Planning and Development Management acknowledged that the masterplan process was a long but necessary process to help deliver the expansion areas. There were still a large number of homes within the outline planning permission that the Council was awaiting reserved matters applications for. The reduction in build rates in the town was seen as a short-term problem due to technical issues currently being addressed. The resource issues were recognised and vacancies were in the process of being filled.

Comments made during discussions included:

- Needs to be the right development in the right place – development should not be rushed through;
- Scale and delivery models affected the build rates on different sites;
- Concern that the delays in build rates affected the delivery of affordable homes;
- Housing supply across the district had increased, however the Council was not complacent;
- Suggested that a meeting could be held with CABE (Chartered Association of Building Engineers) to discuss lessons to be learnt regarding the delivery of Cranbrook.

RESOLVED:

1. that the Housing Monitoring update to 30 September 2016 be noted;
2. that the approach to the calculation of the Five Year Land Supply as detailed in the committee report be agreed;
3. that the implications of the latest Housing Monitoring Update going forwards be noted.

***46 Planning Obligations Supplementary Planning Document**

The Service Lead – Strategic Planning and Development Management presented a report summarising representations received during the recent public consultation on the Planning Obligations Supplementary Planning Document (SPD) and proposed revisions to the SPD in light of these. Members' agreement was sought for the SPD and Consultation Statement to be published for four weeks and, if no substantive comments were received, that Cabinet be recommended to adopt it.

The Service Lead – Planning Strategic Planning and Development Manager referred to correspondence received from East Devon New Community partners since the agenda was published regarding validation of a planning applications and proposed a change to the text as a consequence.

RESOLVED:

1. that the Planning Obligations Supplementary Planning Document and its Consultation Statement be undertaken be published for four weeks, subject to the relevant sentence in paragraph 6.2 of the SPD being amended to read:
'Where the application does not accord with the Local Plan (and any Neighbourhood Plan) due to financial viability constraints, full information to illustrate the applicant's case will need to be submitted as part of the application in accordance with the Council's validation checklist and the application cannot be validated without it'
2. that, if no substantive comments are received in response to the consultation, the proposed changes to the Planning Obligations Supplementary Planning Document be agreed and it is recommend that the Supplementary Planning Document be adopted by Cabinet.

***47 East Devon Self-build and Custom Build Register**

The Service Lead – Strategic Planning and Development Management presented a report highlighting changes in the regulations governing the self-build and custom build register, which all planning authorities had a duty to compile since 1 April 2016, and recommendations to Members in light of these changes.

In response to a question, the Strategic Lead – Governance and Licensing advised that the register was not a public register and therefore the information provided was covered by data protection.

RESOLVED:

1. that the level of demand shown on the register for self-build and custom build in East Devon so that it can be taken into account in the Council's planning, housing, regeneration and disposal of land functions be noted;
2. the proposal to not charge fees for entry on the self build register, but to review this decision periodically be agreed;
3. that applying a local connection test to 'Part 1' of the register from 1st April 2017 as set out in paragraph 2.6 of the committee report be agreed;
4. that the proposal that financial test on 'Part 1' of the register should not be applied be agreed.

Attendance list

Committee Members:

Councillors

Andrew Moulding - Chairman

Graham Godbeer – Acting Vice Chairman

Mike Allen

Susie Bond

Jill Elson

Graham Godbeer

Geoff Jung

David Key

Rob Longhurst

Philip Skinner

Mark Williamson

Also present (present for all or part of the meeting):

Councillors:

Brian Bailey

Colin Brown

Paul Carter

Alan Dent

Paul Diviani

Peter Faithfull

Roger Giles

Helen Parr

Tom Wright

Officers present (present for all or part of the meeting):

Mark Williams, Chief Executive

Ed Freeman, Service Lead – Strategic Planning and Development Management

Henry Gordon Lennox, Strategic Lead – Governance and Licensing

Hannah Whitfield, Democratic Services Officer

Apologies

Committee Members:

Brenda Taylor

Mike Howe

Non-committee Members:

Geoff Pook

Phil Twiss

Officers:

Richard Cohen

Chairman

Date.....

Report to: **Strategic Planning Committee**

Date of Meeting: 11 July 2017

Public Document: Yes

Exemption: None

Review date for release Expected later in 2017 or 2018



Agenda item: 7

Subject: **East Devon Local Development Scheme – July 2017**

Purpose of report: This report provides details of the proposed revised Local Development Scheme for East Devon. The actual Local Development Scheme that is recommended for approval is appended to this report and it sets out details and timetable for future planning policy production in East Devon.

Recommendation: **That it be recommended to Council that the East Devon Local Development Scheme, appended to this report, is adopted as from 27 July 2017**

Reason for recommendation: To ensure that the Council has an up to date plan for future planning policy production.

Officer: Matthew Dickins, Planning Policy Manager

Financial implications: There are no direct finance implications

Legal implications: The Council is legally required to maintain and update a Local Development Scheme (LDS). Adoption of the enclosed revised LDS will ensure compliance with our legal obligations. Other legal implications are covered in the report.

Equalities impact: Low Impact
There are no specific equalities issues associated with production of the Local Development Scheme.

Risk: High Risk
The production and adoption of policy documents requires that an up to date Local Development Scheme is in place.

Links to background information: Links to background documents are provided in the body of the report and the accompanying appendix.

Link to Council Plan: The reports referred to in this report (and the appendix) relate to all priorities set out in the Council Plan.

1 Background Information

- 1.1 There is a requirement for councils to have an up to date Local Development Scheme (LDS). The LDS sets out future policy documents that are to be produced with a production timetable for each one. It forms, to a degree, a future work plan for the planning policy team. Subject to Strategic Planning Committee approval the LDS will need to go to Council for approval on 26 July 2017 with adoption on the 27 July 2017.
- 1.2 The current LDS for East Devon is dated January 2017 and needs updating to identify revised proposals and timetables.
- 1.3 The proposed new LDS is appended to this Committee report.

2 Development Plan Documents

- 2.1 The highest tier of policy documents are called Development Plan Documents (DPDs). The East Devon Local Plan (adopted January 2016) is also a DPD and the term 'local plan' is used in Government policy and guidance as a generic term to refer to all DPDs.
- 2.2 This new LDS identifies four future DPDs for production:
 - a) The Villages Plan;
 - b) The Cranbrook Plan;
 - c) The Greater Exeter Strategic Plan; and
 - d) A Gypsy and Traveller Plan.
- 2.3 The Villages Plan has now been/should have been submitted to the planning inspector for examination and it is hoped will be formally adopted later this year or early next. The other listed DPDs are in varying stages of preparation.

3 Supplementary Planning Documents and Other Policy Documents

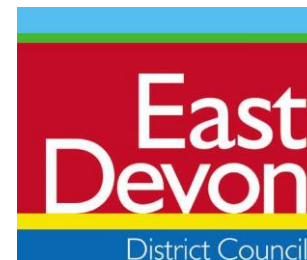
- 3.1 SPDs (and other policy documents) set out more detail on the implementation of planning policy. SPDs are less complex and time consuming to produce than DPDs and they are especially useful in respect of providing additional guidance and detail on policy implementation. The LDS refers to potential SPDs that will be produced.
- 3.2 There have been two SPDs adopted in the past 12 months:
 - a) Gypsy and Traveller – site design and layout; and
 - b) Planning Obligations.For the years ahead the LDS identifies further potential SPDs and policy guidance for production.

4 Neighbourhood Plans

- 4.1 Neighbourhood Plans are produced by local communities for their local areas, typically at the parish level. The LDS provides summary details of Neighbourhood Plan work in East Devon, noting that by July 2017 there should be four made (adopted) Neighbourhood Plans in the District, with two others that are close to being made and over 30 further plans in production.

5 Community Infrastructure Levy

- 5.1 The Council adopted a Community Infrastructure Levy charging schedule, a tariff placed on development, in 2016. Work has now commenced on production of a revised charging schedule. The initial stages of the new work, supported by the consultancy firm Three Dragons, will examine financial viability issues to inform potential charges that could be levied for differing types of development. Work will progress through 2017 and into 2018 and there is a requirement for public consultation on charging proposals.



East Devon Local Development Scheme

Work Programme for Planning Policy Production for 2017 to 2020

July 2017

1 Introduction

- 1.1 This Local Development Scheme (LDS) of East Devon District Council sets out a programme and timetable for production of future planning policy documents. For full details of consultation arrangements for both Planning Policy work and Development Management (specifically in respect of processing and determination of planning applications) please see the Statement of Community Involvement (SCI), this refers to policy documents that cover parts or all of East Devon only:

<http://eastdevon.gov.uk/media/344008/statement-of-community-involvement-2013.pdf>

A separate SCI, shared by East Devon District Council, Exeter City Council, Mid Devon District Council and Teignbridge District Council has also to be approved and is specifically concerned with production of the Greater Exeter Strategic Plan, see:

<https://www.gesp.org.uk/>

- 1.2 The Council has resolved that this new LDS should take effect from 27 July 2017. **THIS START DATE FOLLOWS COUNCIL MEETING ON 26 JULY 2017.** This LDS covers the time period from 2017 through to 2020, it is envisaged however that it will be revised and superseded before this end date.

2 The Adopted East Devon Local Plan

- 2.1 The East Devon Local Plan, covering most policy matters across the District, was adopted on the 28 January 2016. It covers the 18 year period from 2011 to 2031. Policy documents in this LDS will be written within the context of the policy of the adopted East Devon Local Plan though noting that there is the intent to produce the Greater Exeter Strategic Plan (see below).

3 Future Development Plan Documents in East Devon

- 3.1 Development Plan Documents (DPDs) sit at the top of the hierarchy of District Council planning policy documents. The term 'local plan' is used interchangeably with DPD; although the Council has an adopted plan (which is a DPD) called the 'East Devon Local Plan' the use of the wording 'local plan' should also be taken to include all other DPDs as well. DPDs are of fundamental importance in respect of informing prospective developers of the types of development and locations for development that are likely to be appropriate and they are the key policy document used in determining planning applications. There are specific legally defined procedural steps that need to be complied with

in order to produce a DPD, some of these are referred to in this LDS, however for a complete picture see: The Town and Country Planning (Local Planning) (England) Regulations 2013, at:

http://www.legislation.gov.uk/uksi/2012/767/pdfs/uksi_20120767_en.pdf

Noting that there may be additional current or future amendments made by government.

3.2 This LDS sets out that there will, from 2017 to 2020, be four extra DPDs that will be produced, these are:

- a) **Villages Plan** – this plan will be specifically concerned with development issues and boundaries in and around key villages of East Devon and town of Colyton it will also address Greendale and Hill Barton Business Parks. For more information see:
<http://eastdevon.gov.uk/planning/planning-policy/villages-plan/>
- b) **Cranbrook Development Plan** – this plan will allocate development sites and establish policy to enable the new town of Cranbrook to expand to provide around 8,000 homes and associated social, community, employment and environmental facilities. For more information see:
<http://eastdevon.gov.uk/planning/planning-policy/cranbrook-plan/>
- c) **Gypsy and Traveller Development Plan** – this plan will identify the permanent and transit housing needs of the gypsy and traveller community, allocate sites to meet this need and provide policy guidance on site development. This plan will not be produced if sufficient and appropriate gypsy and traveller sites come forward through other plans or are otherwise provided or developed. For more information see:
<http://eastdevon.gov.uk/planning/planning-policy/gypsy-and-traveller-plan/>
- d) **Greater Exeter Strategic Plan** – the following planning authorities:
 - East Devon District Council;
 - Exeter City Council;
 - Mid Devon District Council; and
 - Teignbridge District Council.

have agreed to produce a strategic level plan for the greater Exeter area – this, amongst other matters, is expected to set out overarching policy for the scale and distribution of development and will include large scale strategic allocations. Greater detail on more localised policy will be set out in separate, East Devon specific, planning policy documents. In due course, but not detailed in this LDS, is the expectation of a new District wide local plan that will follow on after GESP production.

4 Waste and Minerals Planning

- 4.1 It should be noted that responsibility for waste planning and minerals planning in East Devon rests with Devon County Council; they have legal responsibility for producing plans and determining planning applications. The County Council adopted a new Devon Waste Plan in 2014: <https://new.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/devon-waste-plan> and adopted a new minerals Plan in 2017: <https://new.devon.gov.uk/planning/planning-policies/minerals-and-waste-policy/devon-minerals-plan> The adopted waste plan and minerals plan are also be part of the Development Plan for East Devon.

5 Programme for Development Plan Documents Production

- 5.1 Table 1, below, sets out the proposed programme for DPD production. For full details of consultation on DPD plan preparation please refer to the SCIs. It is stressed that information relating to Government plan making regulations is provided as a guide only and for a complete record, specifically in respect of legal defined processes, legislation and regulations (as may be updated) should be consulted.

Plan and Key Stages (Plan making regulation numbers in brackets)	2017												2018												2019												2020											
	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec

Gypsy and Travellers Plan	A Gypsy and Traveller plan will only be produced if other means to secure sites are not forthcoming.																																															
Plan preparation (18)	█																																															
Committee approval for draft plan consultation												█																																				
Consultation on draft plan												█	█																																			
Consider draft plan consultation responses												█	█	█																																		
Committee approval for publication consultation												█																																				
Publication consultation & representations (19 & 20)												█	█																																			
Council approval sought to submit												█																																				
Submission and Examination (22 & 24)												█	█																																			
Oral hearing sessions (if required) (24)												█																																				
Receipt of Inspectors report (25)												█																																				
Main Modification consultation (if required)												█	█																																			
Committee approval and Adoption (26)												█																																				

Greater Exeter Strategic Plan	The timetable and stages for the GESP production are common to all the joint partner authorities.																																															
Plan preparation (18)																																																
Committee approval for Issues report consultation	█																																															
Consultation on issues report	█	█																																														
Committee consider draft GESP plan												█																																				
Consultation on draft GESP plan												█	█	█																																		
Publication of proposed submission plan (19 & 20)												█	█	█																																		
Submission of plan to Inspectorate (22 & 24)												█																																				
Examination hearings for plan (24)												█																																				
Post Examination modifications consultation												█	█																																			
Adoption of GESP (26)												█																																				

6 Supplementary Planning Documents and Other Planning Policy Documents

- 6.1 In addition to DPDs we will also produce Supplementary Planning Documents (SPDs). These SPDs are simpler in nature and in production process, they provide extra guidance on development and will assist with and encourage sustainable development.
- 6.2 Details of SPDs that are planned to be produced as well as other planning policy related documents are set out in Table 2. It is stressed that this is not, and is not intended to be, a definitive list of all supplementary plans that may be produced but it does give a guide that is of current relevance.
- 6.3 Legislation and regulation relating to SPD production is also set out in The Town and Country Planning (Local Planning) (England) Regulations 2013, specifically Regulations 11 to 16.
- 6.4 As a minimum, noting the need to comply with legislative requirements:
- SPDs will need to be produced in draft and approved by the council for public consultation;
 - consultation will need to run for at least four weeks (though typically we will aim for at least six weeks);
 - be formally adopted by the Council, where appropriate with amendments from consultation added; and
 - adoption will need to be supported with a formal adoption statement.
- 6.5 In addition the Council will produce additional policy documents or guidance that may not be in the form of a DPD or SPD (it may not have met legal tests of production to qualify) but it will typically be approved or adopted by the Council to help inform decision making and as such could constitute a material consideration in the determination of planning applications. Some of the documents listed in Table 2 may have this non-SPD status.

Table 2 – Production Schedule for Supplementary Planning Document and Other Guidance

It should be noted that the schedule below sets out some of the documents that the Council may produce. It is provided for guidance purposes only and should not be regarded as a definitive list of all or any documents that will be produced. Over the period from 2017 to 2020 the expectation is that additional guidance will also be produced.

Guidance	Commentary	Time Scale
Built Environment Heritage Strategy	This strategy will set our broad approach to, and priorities for, built heritage conservation.	Ongoing through 2017 with expected adoption in 2018.
East Devon Local Heritage List	This SPD will establish ground rules for determining how assets will be assessed in respect of their appropriateness for inclusion on the Local Heritage List.	Ongoing through 2017 with expected adoption in 2018.
Householder Design Guidance	This guidance is to be used by the householder team at the council and will set out guidance on design approaches and standards that can be appropriate.	Ongoing through 2017 with expected completion in 2018.
Site Specific Design Guidance and Development Briefs.	As need arises guidance and briefs will be produced to support delivery and development of allocated and identified development sites.	Ongoing through 2017 to 2020.
Affordable Housing SPD	This guidance will set out more detailed information in respect of affordable housing provision, potentially to include in respect of starter homes, shared ownership and rented properties as well as issues around location, size and mix and reference to links to, and roles of, Community Land Trusts and Housing Associations.	Ongoing into 2017 and 2018.
Brownfield Land Register	The Council has an existing brownfield land register and the potential exists for future policy or guidance to promote development on brownfield land.	Updating of the register will be ongoing with potential for future guidance or policy to promote land development.
Self-Build Register	The Council has an existing self-build register and the potential exists for future policy or guidance to promote self-build development.	Updating of the register will be ongoing with potential for future guidance or policy to promote self-build development.

Guidance	Commentary	Time Scale
Green Infrastructure Strategy for East Devon towns	This strategy (or series of documents/strategies) will set out guidance for Green Infrastructure provision in East Devon – it is expected to take the form of town by town guidance.	This guidance is likely to be produced after 2017.
Beer Quarry – Bats Guidance	The East Devon AONB team are leading on production of this SPD which will set out detailed guidance in respect to protected bats, potential adverse impacts that could arise from development and possible approaches to mitigation.	The expectation is of consultation and adoption in 2017/18.
Coastal Change Management Areas	This work will look at coastal change issues with a view to production of future policy (such policy may need to feature in a DPD).	Ongoing through 2017 to 2020.
Exmouth Sports Pitch Strategy	This work will identify a preferred approach to delivering the sports pitch needs of Exmouth. Initial consultation has taken place and further evaluation and engagement will need to take place.	Ongoing into 2017 and 2018.

- 6.6 Adopted Supplementary Planning Guidance and other similar documents adopted by the Council can be viewed on the Council web site at:
<http://eastdevon.gov.uk/planning/planning-policy/supplementary-plans-and-guidance-and-past-policy/supplementary-plans-and-development-and-design-briefs/>

7 Neighbourhood Plans

- 7.1 Many parish groups and Parish Council's in East Devon are actively involved in Neighbourhood Plan production. Neighbourhood Plans are produced by the local community for their local area and they can include planning policies and also community related actions/proposals. The Planning Policy team at the District Council provide active support to local communities but it is stressed that whilst the District Council ultimately adopt Neighbourhood Plans, and they become part of the Development Plan for the District, the responsibility for plan production rests with the neighbourhood group preparing the plan.
- 7.2 More information on Neighbourhood Plan making can be viewed on the District Council web site at:
<http://eastdevon.gov.uk/planning/neighbourhood-and-community-plans/>

8 Community Infrastructure Levy

- 8.1 East Devon District Council has adopted a Community Infrastructure Levy (CIL) Charging Schedule; charges were applied from 1 September 2016. CIL provides a means to secure monies from development to help support provision of infrastructure. The CIL Charging Schedule is not a DPD but production ran in parallel with Local Plan production and monies collected will support implementation of proposals in the Local Plan and other DPDs. For more information on the stages in establishing the charging schedule and relevant charges see:
<http://eastdevon.gov.uk/planning/planning-policy/infrastructure-provision-and-community-infrastructure-levy/>
- 8.2 As at July 2017 work started on preparation of a revised CIL charging schedule.

9 Local Development Orders

- 9.1 East Devon District Council will be working to deliver Local Development Orders to support the Enterprise Zone in the West End of the district. An Officer Working Group will be established to support this process, consisting of support from the Enterprise Zone Programme Manager, Major Projects Team Leader, Development Manager and Planning Policy Manager. As EDDC has no specific experience in developing LDOs, consultancy advice will be sought to ensure that all risks and benefits to the approach are considered.

**Planning Policy Section
East Devon District Council
Council Offices, Knowle,
Sidmouth
EX10 8HL**

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Website: <http://eastdevon.gov.uk/planning/planning-policy/>

Report to: **Strategic Planning Committee**

Date of Meeting: 11 July 2017

Public Document: Yes

Exemption: None

Review date for release None

Agenda item: 8

Subject: **Local Development Orders within Enterprise Zone**

Purpose of report: To provide an update on the proposed work programme for the delivery of Local Development Orders within the Enterprise Zone.

Recommendation:

- 1. To endorse the proposed Officer Working Group for delivery of Local Development Orders with Development Management, Major Projects, Planning Policy and Enterprise Zone Officers.**
- 2. Approve the commencement of work on the Local Development Order for the Exeter Science Park site.**

Reason for recommendation: At the cabinet meeting of the 8 March 2017 the Implementation Plan for the Enterprise Zone was endorsed. The Implementation Plan highlights the inclusion of a simplified planning regime, through the delivery of Local Development Orders, as an important feature of the Enterprise Zone. This report sets out the proposed approach to developing Local Development Orders.

Officer: Naomi Harnett, Enterprise Zone Programme Manager
nharnett@eastdevon.gov.uk; 07580 297 059 / 01395 571 746

Financial implications: Details are contained in the report.

Legal implications: There are no legal implications requiring comment at this time. Legal comments will be provided on any further report brought back to the SPC.

Equalities impact: Low Impact
Potential impacts on equality will be managed through the Implementation Plan for the Enterprise Zone.

Risk: Medium Risk
The Local Development Order will be a medium to long term designation (usually 5 years on more). The Local Development Order Officer Working Group will work to manage the risks (impact on fee income, design, etc) with the benefits (supporting foreign investment, reducing timescale for delivery, etc).

Links to background information:

- [Overview report – January 2016](#)
- [Cabinet Paper May 2016](#)
- [Cabinet Paper November 2016](#)
- [Cabinet Paper March 2017](#)



Link to Council Plan: Working in funding this outstanding place.

The Council Plan identifies a range of activities to deliver economic growth – including developing ways to deliver economic benefits, promoting inward investment and working with the Heart of the South West Local Enterprise Partnership to deliver growth.

Report in full

1. Background

- 1.1. The strategic growth of employment in East Devon's West End has been Council policy for more than a decade. Business developments on and near Science Park and Skypark have created momentum and established the area as being an attractive place to build businesses. The Exeter and East Devon Enterprise Zone (the EZ) provides government support and initiatives to support the Council as well as growing employment opportunities for residents.
- 1.2. The [Implementation Plan](#) for the EZ has identified simplified planning regime, operating alongside the governments financial incentives, as a way to encourage new and growing businesses to locate within the EZ. The purpose of simplified planning is to assist in improving the delivery time of a new building from concept through to commencement on site, along with the certainty of planning approval. The use of Local Development Orders within a simplified planning regime is recognised to provide certainty to potential investors and encourage new development, with occupiers benefiting from reducing planning costs and accelerated delivery. Orders are regularly used on sites with EZ status.

2. Local Development Orders

- 2.1. LDOs are the most recognisable approach to simplified planning and are most frequently used on employment sites. These orders can establish permitted development regimes for specific types of development (e.g., B-class development up to a specified size) whilst maintaining planning control through parameters plans, notification for prior approval, conditioning or design codes, etc. The use of LDOs has been expanding as councils gain expertise and the efficiencies for processing applications become apparent.
- 2.2. Locally Teignbridge, Torbay, Mendip and Cornwall have adopted Local Development Orders for various uses and sites. Mendip District Council have developed an LDO for the Food Enterprise Zone which is similar to the EZ in East Devon.
- 2.3. LDOs work by granting planning permission for the specific form/type of development detailed in the order without the need for a detailed planning application. There is a statutory process that EDDC will need to follow to develop the LDO, including consultation. EDDC can formally adopt the LDO once this is completed.
- 2.4. As EDDC has no specific experience in developing LDOs nor the capacity to do this in-house it is considered that we need to seek consultancy advice on the best way to approach developing and adopting an Order, taking into account the benefits and risks.

3. Officer Working Group

- 2.1 To support the delivery of the LDO an Officer Working Group (OWG) will be established. This OWG will consist of the Enterprise Zone Programme Manager, Major Projects Team Leader, Development Manager and Planning Policy Manager. The group will meet every 6-8 weeks, with additional meetings as required.
- 2.2 The OWG will support the development and delivery of the LDO. The group will develop a consultant's brief for procurement, supporting the whole LDO process to adoption of the order.
- 2.3 Progress on the LDO will be reported to the Strategic Planning Committee by the OWG, with reports presented at key stages of the development of the order.

4. Programme timing

- 4.1. The four sites within the Enterprise Zone are at different stages of delivery. In the case of Science Park and SkyPark outline planning permissions exist. Cranbrook Commercial area (town centre) is tied to the ongoing work on the Cranbrook DPD and the Airport Business Park expansion area is commencing technical planning work. Consequently, development of simplified / supportive planning regimes for each site will follow different timelines.
- 4.2. As Exeter Science Park already has outline permission developing an LDO to streamline approvals will be straightforward. This presents a low risk first experience with LDOs for the council which will directly support inward investment opportunities. As a part-owner of Exeter Science Park Company, East Devon Council will have additional control over prospective developments through decisions in relation to tenancies and/or land sales. Table 1 provides an overview of the proposed process.
- 4.3. Once the LDO for Exeter Science Park is significantly developed a decision will be taken as to the phasing and timing of LDOs for the other sites.

July 2017	Finalise Consultant Brief for developing LDO at Exeter Science Park
August 2017	Procurement process
September 2017	Appoint a Consultant for LDO and hold inception meeting
October/November 2017	Review existing permission for the Exeter Science Park and other material considerations.
December 2017	Consultants make recommendation on type of LDO EDDC should adopt. Report to Strategic Planning Committee.
February 2018	Formal consultation of LDO
April 2018	Final report on LDO to Strategic Planning Committee and resolution to adopt.

5. Financial Implications

- 5.1. The EZ Implementation Plan includes £30,000 for 2017/18 financial year to support creating simplified planning for the EZ sites.

Report to: **Strategic Planning Committee**

Date: 11 July 2017

Public Document: Yes

Exemption: None

Review date for release None

Agenda item: **9**



Subject: **Planning Appeals Status Report**

Purpose of report: The report is provided as an update on the current situation regarding planning appeal decisions and gives an overview of the results of planning appeals for the year from 1st April 2016 to 31st March 2017.

Recommendation: **That Members consider the report**

Reason for recommendation: To ensure that Members are appraised of the Council's current performance in respect of planning appeal decisions.

Officer: Chris Rose – Development Manager – Planning Tel; 01395 517419 email chris.rose@eastdevon.gov.uk

Financial implications: There are no direct Finance implications

Legal implications: There are no direct legal implications arising. However it is important to note that refusals of planning decisions are made on defensible grounds to ensure a case can be presented to the Planning Inspectorate and to avoid risks of costs application being made and being successful.

Equalities impact: Low Impact

Risk Low Risk

Links to background information: <https://www.gov.uk/government/statistics/planning-inspectorate-statistics>

1.0 Background

1.1 Both the Council's own performance monitoring and the government performance returns require us to keep track of and report on our success at defending the Council's decisions on appeal. Our performance in this area is considered to be an important measure to assess the quality of decision making on planning and related applications.

- 1.2 The Council's and Central Governments performance indicators include only those appeals against the Council's decision to refuse planning permission. It does not include planning appeals against conditions or non-determinations. The calculation also excludes all other types of appeal e.g. advertisement appeals, enforcement appeals, lawful development certificate appeals, appeals in respect of prior approval applications and works to protected trees. A partially allowed appeal (or a split decision) is counted as an appeal allowed even where it is in accordance with the Council's decision.
- 1.3 The calculation includes those decisions where the date of decision falls within the year in question, regardless of when the appeal was lodged.
- 1.3 The Council received 64 appeal decisions from 1 April 2016 to 31 March 2017 which are subject to the performance indicator. This represents an increase over the previous year when 55 such appeals were decided. This is not however the total number of appeal decisions received, which includes all other types of appeal as stated above. The total number of appeals decided was 81.

National appeal statistics (Figures taken from the latest Planning Inspectorate Statistical Report updated February 2017)

Planning appeals including Householder Appeals

Year	Decided	Allowed	% Allowed
2013 - 2014	13942	4912	35.2
2014 - 2015	13912	4844	34.8
2015 - 2016	14441	4909	34.0

East Devon appeal statistics

Planning appeals including householder appeals

Year	Decided	Allowed	% Allowed
2013 - 2014	57	15	26.3
2014 - 2015	74	17	23.0
2015 - 2016	55	12	21.8
2016 - 2017	64	22	34.4

2.0 Analysis

- 2.1 The majority of the appeals were dealt with by means of written representations, with 60 having been determined on that basis with the other 4 by way of Informal Hearings. Included within the written representation appeals were 13 householder appeals. There were no public inquiries during the period.
- 2.2 From the 64 decisions received, 22 of the appeals were allowed which equates to 65.6% of appeals against the Council's decision to refuse planning permission being dismissed.

- 2.3 Whilst this is in line with the national average, this represents a significant drop in the Council's success rate historically and compared to the previous twelve months (78.2% dismissed). To attempt to evaluate the reasons for this, the figures need to be studied in more detail to establish whether there has been any significant change in the decision making process.
- 2.4 The appeals which were allowed resulted from 14 applications which had delegated decisions and 8 applications which were decided by the Development Management Committee and were refused contrary to officer recommendation. For the previous year, the appeals which were allowed resulted from 11 applications which had delegated decisions and 1 application which was decided by the Development Management Committee and was refused contrary to officer recommendation.
- 2.5 Whilst it is acknowledged that 3 more delegated decisions were allowed on appeal compared to the previous year, the noticeable change is the increase from 1 appeal allowed following an overturn of officer recommendation at DMC to 8. In total 8 of the 9 decisions at DMC that were contrary to the officer recommendation were allowed on appeal. This is a significant change. Removing these appeals from the statistics would have resulted in a 75% success rate at appeal, very similar to the historic trend.
- 2.6 Aside from this, there does not appear to be any specific type of development or any other particular trend that can be attributed to the Council's decisions being overturned.
- 2.7 Of the 42 appeals which were dismissed, 36 were the result of delegated decisions and 6 of the applications were decided by the Committee. Of those 6 decisions, 5 were recommended for refusal by officers. The officer overturn that was confirmed on appeal related to the application for the retention of play equipment at Otterton Primary School where the Inspector agreed with Members that the location of the equipment would cause harm to the amenity of the adjoining neighbour through increased noise and activity.
- 2.8 It is not considered that any particular trend can be established from the decisions based on the application type, as some of the samples are too small to reflect a true indicator. However, the highest sample of decisions, minor dwellings, reflects a success rate close to the overall figure of 65.6% and the second highest sample, householder appeals, represent the highest success rate at 84.6%.

Appeal decisions by application type		Dismissed	Allowed	
%Dismissed				
Q13	Minor dwellings	20	10	66.6
Q21	Householder	11	2	84.6
Q18	All other minor developments	5	2	71.4
Q7	Small major dwellings	4	1	80.0
Q20	Change of use	1	3	25.0
Q6	All other large major developments	1	1	50.0
Q14	Minor Offices/R&D/Light Industry	0	2	00.0
Q8	Small major – all other small major	0	1	00.0

2.9 Appeals allowed

22 Decisions, including:-

- 14 Delegated decisions
- 8 Committee decisions contrary to officer recommendation
- 21 Written representations

- 1 Informal hearing
- 2 Householder applications
- 1 major residential (reserved matters)
- 6 single residential dwellings
- 1 Solar Farm
- 2 Conversion of agricultural buildings to industrial units
- 1 Outline application for 4 dwellings
- 1 Split decision

2.10 Appeals Dismissed

42 Decisions, including:-

- 36 Delegated decisions
- 6 Committee decisions
- 1 Committee decision contrary to officer recommendation
- 39 Written representations
- 3 Informal hearings
- 11 Householder applications
- 4 Major residential developments
- 9 Single dwellings
- 1 Solar farm
- 2 Residential developments of 5 dwellings
- 2 Residential developments of 2 dwellings
- 1 Residential development of 3 dwellings
- 1 dwelling for agricultural worker

- 2.11 Despite the lack of any trends in terms of the types of applications allowed on appeal, there are some general changes that officers perceive are having an effect. These relate to the way that the Planning Inspectorate operate.
- 2.12 Officers are sensing that the Inspectorate are taking a more positive approach to development and the economic benefits that it brings. Whilst historically a refusal of development contrary to a local plan policy that caused some harm would be likely to be dismissed on appeal, it appears now that the harm needs to be fairly substantial to override some economic benefit. In effect there is a more pro-development agenda being pursued by the Planning Inspectorate. This is something that we need to learn from. In addition, there is perceived to be less consistency in the decisions coming out of the Inspectorate.
- 2.13 It is also worth noting that we have recently received a couple of split decisions from the Planning Inspectorate. Historically split decisions issued from the Inspectorate have been fairly rare. Split decisions go against the Council in terms of our performance (as they get logged as appeals we have lost) even those in both recent cases the appeals have been in full accordance with our assessment of the applications. For example, one appeal related to a rear extension and dormer window where officers supported the rear extension but refused permission on the basis of the visual impact from the dormer window. The Inspector agreed with this assessment but granted a split decision approving the extension and refusing the dormer. We are unable to issue split decisions so this is a little frustrating.

3.0 Costs Applications

- 3.1 There can be financial implications in relation to cases where an application for costs is made.
- 3.2 Applications for an award of costs can be made by either party in respect of all appeals. An award of costs will only succeed in the event that the Inspector determining the appeal had considered that a party had acted unreasonably.
- 3.3 If a planning application is refused, the reasons given have to be both justified and defensible. It is most likely that an application for an award of costs against the Council would be successful, in cases where an appeal is lodged and the reasons for refusal cannot be substantiated.
- 3.4 The Inspector determining an appeal can award costs against either party, with or without an application for costs having been made, if it is considered that unreasonable behaviour has occurred.

4.0 Costs Decisions 2016 – 2017

- 4.1 There have been 9 decisions following applications for full awards of appeal costs against the Council and all of these were refused.
- 4.2 The Council has made two applications for full awards of costs against appellants, one of which was allowed.

5.0 Conclusions

- 5.1 Whilst the Council has achieved an appeal success rate which is close to the National average, the figures for the last twelve months represent a considerable drop in the number of appeals dismissed when compared to the Council's performance over the previous three years where the success rate was consistently well above the national average.
- 5.2 It is important that appeal decisions are constantly analysed to ensure that any changes in accordance with National Planning Policy are implemented and decisions on planning applications are made in accordance with current Government policy and guidance. There has not been any significant change in Policy over the last twelve months which can be attributed to the drop in the Council's success rate over that period.
- 5.3 There has been a perceived change in decisions from the Planning Inspectorate being more positive and pro-development unless there is significant harm and the number of officer overturns at DMC was proportionally very high and has impacted upon performance.
- 5.4 The Development Manager will continue to monitor the performance on appeals and ensure that when a decision is made to recommend refusal of an application, the reasons are well substantiated, robustly supported by adopted policies with identified harm, and balance any harm against any benefits. He will also ensure that the economic benefits of development are appropriately weighed into the balance.

Report to: **Strategic Planning Committee**

Date of Meeting: 11 July 2017

Public Document: Yes

Exemption: None

Review date for release None

Agenda item: **10**

Subject: **Community Infrastructure Levy – Payment in Kind policy**

Purpose of report: To outline the potential for Community Infrastructure Levy to be paid 'in kind' by land and/or infrastructure, rather than in cash. The report provides an overview of payment in kind; and explains the policy document that has been drafted to enable the council to accept CIL payments by land or infrastructure if it wishes to do so.

Recommendation: **To recommend to Council that the Community Infrastructure Levy Payment in Kind policy is approved with effect from 27 July 2017.**

Reason for recommendation: To provide the option for liable development to pay Community Infrastructure Levy 'in kind' by land and/or infrastructure, rather than in cash, if the council wishes.

Officer: Keith Lane, Planning Policy Officer
Email: klane@eastdevon.gov.uk
Tel: 01395 571684

Financial implications: Finance to be consulted each time a payment in kind is proposed to assess the accounting and financial implications on a case by case basis.

Legal implications: The legal implications are detailed in the report.

Equalities impact: Low Impact

Risk: Low Risk

The council must publish a policy document stating that it may accept CIL payments in kind, if it would like the option to do so. It is considered that the approval of the Payment in Kind policy will provide greater flexibility with regards to infrastructure delivery. There is a low risk as this facility is offered entirely at the council's discretion.

Links to background information:

- [Adopted CIL Charging Schedule and Regulation 123 list](#)
- [East Devon Local Plan 2013-2031 \(adopted January 2016\)](#)

Link to Council Plan: Encouraging communities to be outstanding; Developing an outstanding local economy; Delivering and promoting our outstanding environment; Continuously improving to be an outstanding



Report in full

1. Introduction

- 1.1 Members will recall that the council adopted the Community Infrastructure Levy (CIL) Charging Schedule in April 2016, and have been charging CIL since 1 September 2016.
- 1.2 Currently, development that is liable to pay CIL must do so through financial payments. However, the CIL Regulations allow all or part of the levy to be paid 'in kind' by land or infrastructure, rather than in cash. If a charging authority (i.e. the council) wishes to have this option, it must publish a policy document which confirms that it is willing to accept payments in kind, and sets out the conditions for doing so.

2. Payment in Kind policy – an overview

- 2.1 The Government recognises that there may be circumstances where the charging authority (i.e. the council) and the person liable for paying CIL would like land and/or infrastructure to be provided, instead of money, to satisfy a charge arising from the levy. This can help developers, infrastructure providers/users, and authorities to have more certainty about the timescale over which infrastructure items will be delivered. This provision is known as "payment in kind".
- 2.2 The detail regarding payment in kind is set out in the CIL Regulations 2010 (as amended), specifically Regulations 59B, 73, 73A, 73B and 74 – a brief overview follows.
- 2.3 To be eligible for payment in kind by land transfer, the land must be acquired by the council (or a person nominated by the council, with their agreement). For payment in kind by infrastructure provision, the infrastructure must be provided to the council (or a person nominated by the council, with their agreement). The land and/or infrastructure must be required to provide or facilitate the delivery of infrastructure identified on the Regulation 123 List and support the development of the district.
- 2.4 The value of the land or infrastructure that is to make up the payment in kind must be determined by an independent valuer. In the case of land, this person will ascertain its 'open market value'; for infrastructure, this person will determine the cost (including related design cost) to the provider. This will inform how much of the CIL 'bill' will be off-set by the payment in kind – any residual CIL liability must be paid in money.
- 2.5 Members will be aware that town and parish councils receive a "neighbourhood proportion" (15% or 25%) of the CIL generated in their area. The Regulations make clear that such payments relating to a land or infrastructure payment must be paid in money. The Payment in Kind policy has been written to provide greater flexibility by allowing EDDC to consider, in consultation with the relevant town/parish council, whether the neighbourhood proportion can be fulfilled through the payment in kind.
- 2.6 In addition, the Payment in Kind policy makes clear that the land and/or infrastructure must be fit for purpose, and its provision must represent a time or cost efficiency to the council and its partners or otherwise be more practical than such parties delivering the infrastructure themselves.
- 2.7 Finally, it is important to note that the council is under no obligation to accept payments in kind – this facility is offered entirely at the council's discretion will be determined on a case by case basis. Payments in kind may only be made with the agreement of the liable party, the council, and any other relevant authority that will need to assume responsibility for the land or infrastructure.
- 2.8 All proposals for payment in kind must comply with the CIL Regulations and the council's Payment in Kind policy.

3. Conclusion

- 3.1 If the council wishes to seek CIL payments via land and/or infrastructure, instead of a financial payment, it must first publish a policy which sets out the conditions of doing so. It is considered that publishing a Payment in Kind policy will provide the council with greater flexibility in delivering the infrastructure that is required from new development. As noted, the council will not be obliged to accept payments in kind – its potential can be considered on cases when it is practical and advantageous to do so.



East Devon District Council

Community Infrastructure Levy Payment in Kind Policy

July 2017

1. This Community Infrastructure Levy (CIL) Payment in Kind Policy is effective from 12 July 2017.
2. In accordance with Regulations 59B, 73, 73A, 73B and 74 of the CIL Regulations 2010 (as amended), East Devon District Council (“the Council”) may accept the provision of infrastructure and/or land transfers to discharge part or all of the CIL liability due in respect of a chargeable development. For the purposes of this policy, payments by land transfer and/or infrastructure provision are both referred to as “payments in kind”.
3. The Council is not obliged to accept any offer of payments in kind – it is offered entirely at the Council’s discretion on a case by case basis. Payments in kind will be subject to the requirements of the aforementioned regulations and the following conditions:
 - a) To be eligible for payments in kind by land transfer, the land must be acquired by the Council or a person nominated by the Council (with their agreement). The land must be required to provide or facilitate the delivery of infrastructure identified on the Regulation 123 List and support the development of the district.
 - b) To be eligible for infrastructure provision, the infrastructure must be provided to the Council or a person nominated by the Council (with their agreement), and be identified on the Regulation 123 List and support the development of the district.
 - c) The value of the land to be transferred and/or infrastructure to be provided must be determined by a suitably qualified and experienced independent person to be agreed between the Council and liable party. The amount of CIL paid via this mechanism is equal to the value of the land to be transferred and/or infrastructure provided.
 - d) The person transferring the land or providing the infrastructure to the Council must have assumed liability to pay CIL and completed the relevant CIL forms at the appropriate times.
 - e) The chargeable development must not have commenced before a written agreement with the Council to pay part or all of the CIL amount as payments in kind has been made. The written agreement must be prepared in accordance with the requirements set out in Regulations 73 and 73A of the CIL Regulations 2010 (as amended).
 - f) Land subject to transfer must be free from any interest in land and any encumbrance to the land, buildings or structures and evidence to demonstrate this may be required.
 - g) The land and/or infrastructure must be fit for the relevant purpose and its provision must represent a time or cost efficiency to the Council and its partners or otherwise be more practical than such parties delivering the infrastructure themselves.
 - h) Any payments to a town/parish council (“neighbourhood proportion”) relating to a land or infrastructure payment must be paid to the local council in money. Alternatively, the Council will consider, in consultation with the relevant town/parish council, whether the neighbourhood proportion can be fulfilled through the payment in kind.
 - i) Any residual CIL liability following the payments in kind must be paid in line with the payment dates as set out in the relevant demand notice.
 - j) Failure to submit a commencement notice before development has commenced will result in any agreed payments in kind not being accepted and the full liability being due immediately through financial payment and subject to relevant surcharges.
4. If you are interested in paying CIL in this way (whether in part or in whole) and the chargeable development has not yet commenced, then you should discuss the possibility with the relevant planning team at the Council. Such discussions should preferably take place as part of pre-application discussions and advice so as to not delay the consideration or determination of live planning applications.

Report to: **Strategic Planning Committee**

Date of Meeting: 11 July 2017

Public Document: Yes

Exemption: None

Review date for release To be updated annually



Agenda item: 11

Subject: **Employment Land Monitoring Report**

Purpose of report: This report provides summary details of the Employment Land Review produced by the Planning Policy section for 2015-16 and 2016-17. The report is a monitoring exercise that we are required to carry out to understand the provision and delivery of employment land in the district in much the same way as we monitor housing delivery.

Recommendation:

1. That the Committee considers the Employment Land Monitoring Review report for 2015–16 and 2016-17.
2. That the Committee considers the appended report from Cushman and Wakefield detailing a proposed land swap at Exeter Science Park and the implications of this proposal.
3. That a further report be presented to Members at a future meeting detailing an action plan for the delivery of employment land in the district.

Reason for recommendation: To ensure that the Council has an up to date report monitoring employment land availability and use within the district.

Officer: Jacqui Best, Technical Support and Monitoring Officer

Financial implications: There are no direct financial implications in the report.

Legal implications: The Employment Land Review is a technical document which the Council is legally required to regularly review, thereby ensuring local plan policies are based upon adequate, up to date and relevant evidence.

Equalities impact: Low Impact
There are no specific equalities issues associated with production of the Employment Land Review Report.

Risk: Low Risk
No risks identified

Links to background information: [East Devon Employment Land Review 2015-16 and 2016-17](#)

Link to Council Plan: The report referred to in this report relates to “Priority Two - Developing an Outstanding Local Economy” set out in the Council Plan 2016 – 2020.

1 Background Information

- 1.1 The National Planning Policy Framework requires Local Authorities to support sustainable economic growth by setting out a clear economic vision and strategy for their area and to ensure there is sufficient land available to support growth. National Planning Policy Guidance advises on what employment considerations can be monitored, which form the basis of this report.
- 1.2 The current Employment Land Review report for East Devon provides monitoring records up to 31st March 2015. This needs to be updated to report on activity for the last two years and provide a record of current land availability.

2 Employment Land Use Monitoring

- 2.1 Monitoring is based mainly on the assessment of ‘B’ use classes which includes B1: Business, B2: General Industrial and B8: Storage and Distribution. Some ‘Sui Generis’ or other uses that occupy employment sites and which do not fall into a B category but which are similar in nature are also monitored.
- 2.2 Employment sites which typically cover at least 1000 square meters (0.1 ha) containing B uses are mapped out. Four new sites have been added to the database in this latest report bringing employment sites monitored in East Devon to a total of 61. For avoidance of any confusion “site” in this context constitutes a whole employment area or estate rather than an individual plot of land, so for example Heathpark in Honiton is classified as an employment site and within Heathpark there are vacant plots of land as well as many existing businesses and buildings.
- 2.3 A list of small sites are also monitored on an annual basis with a threshold of 100 square metres of site area or buildings with 50 square metres of floor space, above which sites are recorded.
- 2.4 A full schedule of relevant planning permissions and completions since inception of the Local Plan in 2013 is provided for all major sites and small sites, with further information on sites and plots under construction, outstanding permissions and lapsed permissions.
- 2.5 Records are also provided on the completion of planning permissions during the last 10 years.
- 2.6 Vacant, available sites by virtue of a Local Plan allocation or planning permission, which are likely to be policy compliant and with scope for development are identified. Plots within employment sites that are not identified as not necessarily being policy compliant but which may offer scope for development are also shown.

- 2.7 Plans of each site are provided illustrating the detail of activity for individual properties during the last 4 years. Each plan also maps out vacant land as described in paragraph 2.6.
- 2.8 Information is also given on non-domestic rated units within employment sites which are occupied or empty at each site.

3. Overview of Employment Land Review for 2013 – 2017

3.1 Planning Permissions

Planning permissions granted during 2016-17 amounted to approximately 22.82 hectares, 16 within major sites and 14 comprising small sites. This notably includes the Lidl distribution centre (phase 1) of 21 hectares at the Intermodal Exchange.

Further activity was concentrated at Exeter Science Park with the permission of 2 'grow-on' buildings at Babbage Way for research and development use.

Planning permissions granted during 2015-16 amounted to approximately 9.65 hectares, 15 within major sites and 11 comprising small sites. Most activity was recorded at Hill Barton Industrial Estate, amounting to 1.7 hectares and at Exeter Science Park amounting to 2.39 hectares of land for car parks and associated works to serve new development.

During this year permission was given for 2 office blocks at the Skypark Energy Centre amounting to 0.75 ha of net site area.

3.2 Permissions under construction at March 31st 2017

There were 4 buildings under construction amounting to approximately 22.82 hectares of net site area, including the Lidl distribution centre at the Intermodal Exchange, 2 office blocks at the nearby Skypark and a new unit at Hill Barton Business Park.

3.3 Outstanding and Lapsed Permissions

At 31st March 2017, outstanding permissions from 2014-15 amounted to approximately 4.20 hectares, while lapsed permissions and outstanding outline permissions which were granted prior to 1st April 2014 amounted to approximately 13.65 hectares. Most of the latter are also counted as vacant available sites.

3.4 Completions

Completions during 2016-17 amounted to 5.43 ha of net site area and included the following B uses, as measured by building floorspace:

Use Class	Floor space (square metres)
B1	5018
B2	7018
B8	3746
Sui Generis	0
Total	15,782

Completions recorded for 2015-16 amounted to 5.9 ha of net site area and included the following B uses, as measured by building floorspace:

Use Class	Floor space (square metres)
B1	6640
B2	2042
B8	19646
Sui Generis	264
Total	28,592

3.5 **Allocated Sites**

The report details 26 plots of land across a number of employment sites that are specifically allocated in the Local Plan for employment use across East Devon, with 25 of these currently not having a defined end user, these allocations amount to approximately 77.69 hectares. There are also allocations within mixed use sites where specific plots are not identified, amounting to approximately 31.08 hectares of additional land.

The largest sites identified are at Skypark (approximately 23.4 hectares) and to the west of Heathpark Industrial Estate, Honiton (approximately 15 hectares), whilst there are a concentration of smaller sites available at Exeter Science Park and Tithebarn Green.

3.6 **Non Domestic Rated Units**

At 31st March 2017, there were 1036 properties within East Devon employment sites rated for non-domestic use, 141 of which (or around 13.6%) were classed as empty.

3.7 **Exeter Science Park**

Members will note from the monitoring data that Exeter Science Park has been one of the main sites delivering employment development during the monitoring period. There is however a significant issue affecting its future delivery which is detailed in Appendix 2 which is a paper prepared by planning consultants on behalf of the Science Park Company. The paper details proposals for a land swap between land currently forming the north eastern corner of Science Park and land to the south west which lies outside of the current Science Park designation. These sites are indicated on Fig. 2.1 within the appendix. The proposal is that the land currently within Science Park is brought forward for housing and the Science Park boundary extended to include land to the south west to compensate for this loss. There are a number of issues associated with this proposal including the impact on Science Park and its intended form and layout, housing delivery and the distribution of housing in the district as well as the levels of affordable housing to be provided. Correspondence with officers is appended to the paper and details officers concerns.

The paper is brought to Members of Strategic Planning Committee to ensure that they are aware of this proposal and the associated issues in the context of strategic employment land delivery, however the proposals themselves need to be formally considered through a planning application and by Development Management Committee for a formal decision as departures from the Local Plan.

3.8 Conclusions

The key conclusion that can be drawn from the monitoring data is that employment land within the west end of the district is successfully being brought forward with significant developments at Science Park and Sky Park coming forward as well as the Lidl distribution centre. These sites are the largest employment allocations within the Local Plan and significant progress has been made in terms of their delivery. This success should be celebrated. It is inevitable that they make up the majority of employment land delivered in the monitoring period, however it is clear that there are a number of smaller sites within the rest of the district that are not coming forward as quickly including some on council owned land. The progress within the growth point area has been supported by the Growth Point Team who have helped to enable the significant progress that has been made and demonstrated how public sector intervention can help to enable the delivery of employment land. It is considered that with further intervention and support within the rest of the district that the remaining employment sites allocated in the Local Plan could also be coming forward.

It is considered that this monitoring report should therefore act as important intelligence to inform a strategy for the future delivery of employment land in the district and allocation of resources to assist in this. It is therefore intended to bring a further report to Strategic Planning Committee to be prepared with the Council's Economic Development Team to provide an action plan for supporting the delivery of employment land in the district for Members consideration.

**Exeter Science Park
Limited**

**Planning Policy
Review of Land Swap
Proposals**

V3

June 2017

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APPENDIX 1 – EDDC CORRESPONDENCE

APPENDIX 2 – PROVISIONAL UPDATED MASTERPLAN

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1. INTRODUCTION

- 1.1. Exeter Science Park Limited (ESPL) and Eagle One are proposing a land swap mechanism as part of an improved business model for the Science Park. It will involve some land within the currently-defined Science Park being given over for residential development. In return, adjoining land earmarked for general office use would be brought in to the Science Park ownership for associated uses. This will have significant benefits in terms of the viability and deliverability of the Science Park going forward, as explained in this report.
- 1.2. Following recent consultation between the parties and East Devon District Council (EDDC), this planning policy review sets out to provide a reasoned justification for the land swap proposals, as requested by EDDC. Relevant correspondence from EDDC is included at **Appendix 1**.
- 1.3. The Statement is structured as follows:
 - Section 2: provides details of the site and proposed development;
 - Section 3: provides a review of the planning policy position;
 - Section 4: provides our appraisal; and
 - Section 4: provides a summary and conclusions.

2. THE LAND SWAP PROPOSAL

Background

- 2.1 Exeter Science Park was established in 2008 with South West RDA grant funding to Devon County Council (DCC). The Science Park is located at the gateway to the Exeter and East Devon Growth Point area, close to the M5 J29 and Exeter International Airport.
- 2.2 Outline planning permission provides for around 76,500sqm of low density, clustered employment and ancillary/supporting development on approximately 26Ha of serviced land. A number of buildings, including the Science Park Centre, have opened within the Science Park. Funding has recently been provided by the Heart of South West LEP for two 'grow-on' buildings that are expected to commence construction in June 2017.
- 2.3 Enterprise Zone status came into effect at the beginning of April 2017 with business rate support for science, technology, engineering, and mathematics (STEM) businesses locating within the Science Park, one of seven sites forming the Enterprise Zone package.

The Proposal

- 2.4 The proposed land swap relates to the following land parcels, as identified on the plan at Fig 2.1 below:
 - Science Park Phase 2b (Parcel '5' in Fig 2.1): comprising 3.5Ha of undeveloped land west of Langaton Land, located within the Science Park policy area (see Section 3 below); and
 - Eagle One Development Areas '1' and '2', to the immediate east of the Science Park and located within the 'North of Blackhorse' policy area (see Section 3 below). These parcels comprise approximately 3.0Ha of undeveloped land split by Anning Drive.

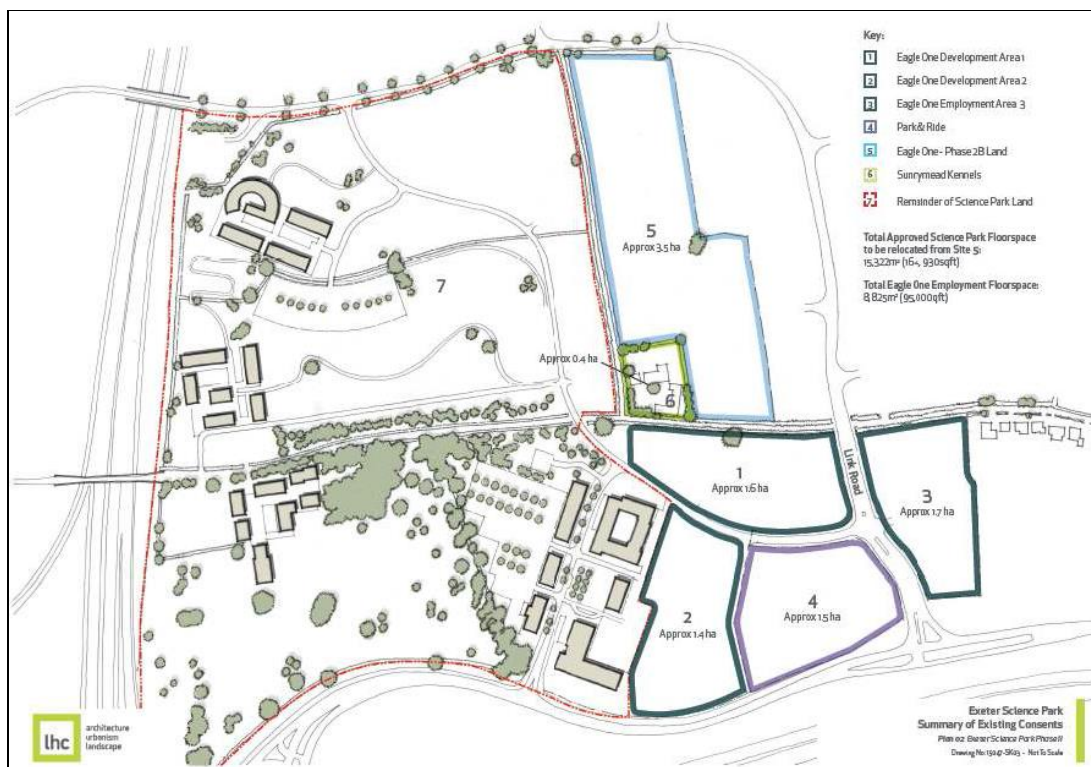


Fig 2.1 Plan Showing the Location of the Proposed Land Swap Parcels

- 2.5 Under the proposals, the Phase 2b (Parcel 5) land would be brought forward by Eagle One for residential development, forming a natural extension to the wider Tithesbarn Green and Mosshayne new community. The current Eagle One Development Areas '1' and '2' would be brought into the Science Park ownership, as opposed to them being retained for general office development (as part of 'Exeter Gateway Office Park').
- 2.6 Eagle One Development Areas '3' and '4', as shown on the plan at Fig 2.1 above, do not form part of the land swap proposals.

The Rationale for the Land Swap

- 2.7 Since the Science Park project was established in 2008, it has relied on ESPL shareholders and significant public sector funding to achieve the success it has had to date. This business model is not sustainable going forward as it cannot be assumed that public funding will continue to be available in the future. ESPL shareholders have an expectation that the Science Park will become self-financing.
- 2.8 The future business model for the Science Park is focussed on ESPL making the location attractive to private sector investor partners which will secure the necessary long term investment to meet the Science Park's economic, research & innovation and financial objectives and to fulfil its full strategic role in the region's economy. The key components of the future business model are summarised in the following points:
- ESPL has become an employer of its Executive team which will drive forward the new business model under a Chief Executive;
 - The ESPL Board has already been strengthened by including private sector finance and innovation experts;
 - ESPL intends to secure the entire freehold asset base for the Science Park as soon as practicable. Discussions with HCA and DCC have indicated the transfer is possible. The transfer would give unencumbered access to the asset to add to the current beneficial financial interest in the land via the Further Agreement with DCC. Together with the proposed land swap the transfer will strengthen ESPL's position in later negotiations with private sector partners to develop the entire Science Park;
 - Full land ownership is a vital step in securing investment partners. The land asset will provide ESPL with a valuable stake to put into joint ventures with partners taking long-term ownership of Science Park buildings; and
 - Using the last round of Growth Deal funding to develop the new 'Grow On' and 'Open Innovation' buildings, ESPL has secured assets which will generate sufficient revenue to meet its future running costs and to manage joint venture arrangements and Science Park services.
- 2.9 Without the proposed land swap with Eagle One, the business model is threatened as ESPL is unlikely to attract joint venture partners. ESPL's current balance sheet and asset base is only viable for a finite period before additional funding is required. If ESPL is not able to consolidate the land ownership promptly and continue to develop or sell plots on a piecemeal basis, there will be a stalling of economic growth and confidence.

Additional Benefits from the Land Swap

- 2.10 There are third party constraints associated with a separate property, the Kennels, which will continue to inhibit the Phase 2b land coming forward for STEM uses. This is likely to be unlocked on the basis of achieving a residential land value, progressed by Eagle One in association with the planned residential

use of the Phase 2b land. This matter would no longer be of concern or impediment to ESPL is realising the Vision and future business plan for the Science Park.

- 2.11 Similarly, the land swap will also eliminate the current constraints imposed on the Science Park associated with stopping up Langaton Lane.
- 2.12 The new land parcels to be acquired from Eagle One are located in proximity to the Park's southern entrance and immediate/established development parcels, providing added flexibility to bolster the gateway to the Science Park and its overall profile/brand strength. ESPL will gain land with excellent visual prominence from the A30, providing new opportunities for key statement buildings and improved scope for prospective occupiers requiring high-profile sites. As such, these parcels are considered to be more attractive and viable for STEM businesses than the Phase 2b land.

Summary

- 2.13 In summary, the rationale for the land swap is essentially to bolster visibility and brand strength, deliverability, and viability of the Science Park by providing a better land and asset base on which ESPL can invest and develop. The proposal will redefine the extent of the Science Park and bring all of the land within the ownership and control of ESPL. Importantly, this will remove any ambiguity for potential developers and investors and enable to ESPL to have full control over the future of the Science Park and full responsibility for realising the Vision.
- 2.14 In respect of the above, ESPL can confidently present a new and deliverable Masterplan for the Science Park after a period of uncertainty. A provisional updated Masterplan accompanies this submission in order to aid EDDC's consideration of the matters in hand (**Appendix 2**).
- 2.15 The economic and practical rationale for the land swap is material to the overall planning consideration as it relates to the viability and ultimate success of the Science Park and wider economic prosperity. In this regard, the underlying economic case for the land swap needs to be considered in conjunction with the specific material planning policy considerations addressed in part in this review and it will weigh heavily in support of related development proposals that will come forward in due course.

3. PLANNING POLICY & HISTORY REVIEW

Policy Basis - East Devon Local Plan 2013-2031 (2016)

- 3.1 The Science Park forms part of the 'West End' Growth Point Area that will see high levels of housing and employment development coming forward over the Plan period to 2031. The overall vision is to secure high quality mixed use development complementing the role of the City of Exeter and to serve and provide for the rest of East Devon. Inter-related developments include the Science Park, business parks, and new communities comprising mixed housing and social, community, and commercial facilities. This includes the new town being developed to the northeast of the Science Park at Cranbrook.
- 3.2 The Local Plan stresses that the 'West End' is not a defined policy area but is a term that refers to a group of 'schemes' that provide for major growth in the western part of East Devon.
- 3.3 The schemes are identified in 'Strategy 9 – Major Development at East Devon's West End' and are shown on the Proposals Map (see Fig. 3.1 below). The Science Park is shown in red (ref 027) and adjoining land shown in yellow (ref W213A) is 'North of Blackhorse', part of a wider development 'Land North of Blackhorse/Redhayes (Tithebarn Green)' that straddles the M5 and East Devon/Exeter City border (and includes the land shown grey, Mosshayne (ref W213B)).

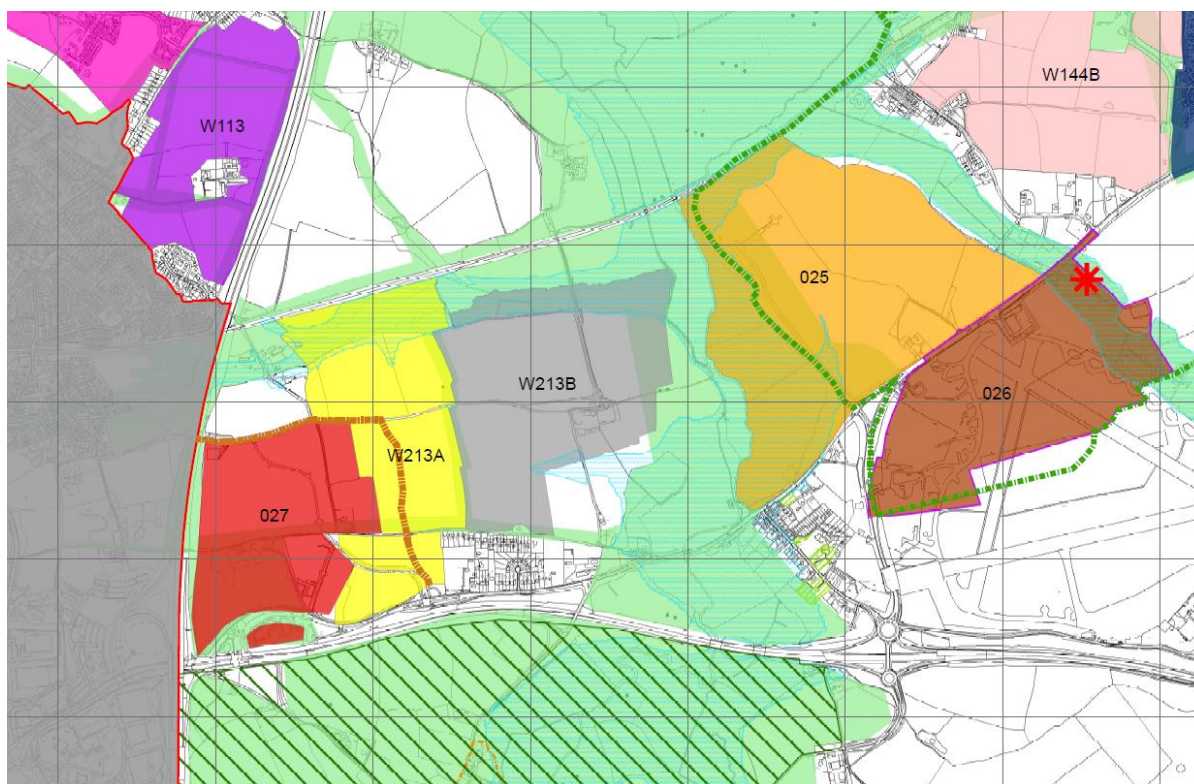


Fig 3.1 East Devon Local Plan - West End Inset Map Extract

- 3.4 Under 'Strategy 9 - Major Development at East Devon's West End', the Exeter Science Park is allocated as a research/technology employment site.
- 3.5 Under 'Strategy 13 – Development North of Blackhorse/Redhayes', the land is allocated for mixed use development to include 1,500 new homes and employment provision.

3.6 The following policies are also of note:

- Strategy 31 – Future Job and Employment Land Provision: promotes mixed use developments and provision of employment land close to where people live. The thrust of the policy is essentially to ensure sustainable, balanced communities where accessible employment opportunities are integrated with new housing as far as possible.
- Strategy 32 – Resisting Loss of Employment, Retail and Community Sites and Buildings: provides a presumption against the use of allocated employment land for other purposes unless one or more of a range of criteria are met. This includes circumstances where there is a lack of market interest in the land or where a surplus supply is demonstrated.
- Strategy 34 – District Wide Affordable Housing Provision Targets: sets out the level of affordable housing that will be required in the District. Regarding the major strategic development sites in the West End, a target of 25% is sought. The policy confirms that this target will apply to Cranbrook, adjacent to Pinhoe, and North of Blackhorse (as shown on the West End Inset Map). Under-provision will need to be supported by viability evidence or otherwise shown to be appropriate.

Policy Basis - National Planning Policy Framework (NPPF)

3.7 Relevant aspects of the NPPF comprise the following:

- The presumption in favour of sustainable development (paragraphs 11-14, 49, 197);
- The 'core planning principle' of proactively driving and supporting sustainable economic development, including the allocation of sufficient land to meet the needs of residential and business communities, having regard to market signals such as land prices and housing affordability (17);
- The need to place significant weight on the need to support economic growth through the planning system (19);
- *'Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment' (21);*
- *'Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances' (21);*
- *'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities' (22);*
- In delivering a wide choice of high quality homes, LPAs should *inter alia* set policies for meeting affordable housing needs with preference for on-site delivery. Affordable housing policies should be sufficiently flexible to take account of changing market conditions over time (50);
- LPAs should approach decision-taking in a positive way to foster the delivery of sustainable development. They should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area (186, 187); and

- The tests for planning obligations, including the requirement for them to be fairly and reasonably related in scale and kind to the development (204-205).

Planning History Overview

- 3.8 The development of a science park comprising 76,450sqm of B1 (A-C) uses, 150-bed hotel and conference facility, and ancillary uses (A1, A3, D1 and D2), and associated infrastructure was approved in 2010 (ref: 09/1107/MOUT).
- 3.9 The Science Park is subject to a 'Gateway Policy', set out in the s106 Agreement forming part of the outline planning permission, that restricts occupation of the park to specified uses falling within the UKSPA Science Park definition and uses that may be considered complementary or supportive.
- 3.10 Subsequently, reserved matters applications have been approved for a Science Park Hub (ref: 12/1427/MRES), the Met Office Computer Centre (ref: 14/2063/MRES), and other research and development buildings (ref: 16/0746/MRES; 16/0746/MRES). There has also been a number of approvals for related infrastructure works, car parks, tree works, and signage.
- 3.11 The North of Blackhorse Land is subject of an outline planning permission for the phased development of up to 930 dwellings, employment area (restricted to B1a office use) and associated facilities/infrastructure (ref: 12/1291/MOUT). The land parcels subject of the proposed land swap (Eagle One Development Areas '1' and '2') are identified on an accompanying Masterplan/Phasing Plan for office use (indicating potential for c65,000sqft).
- 3.12 It has not been possible to fully review and appraise the planning history documents (on the Council's website) associated with the subject land parcels but it is understood that the s106 agreement relating to the outline development has been varied on two occasions: modified affordable housing obligations which regularised the overall requirement for 25% affordable housing provision, in line with prevailing policy (ref: 15/1565/V106); and the removal of employment clauses that placed restrictions on the delivery of employment development linked to delivery of the Science Park and nearby Skypark (ref: 16/1649/V106). There have also been subsequent approvals for the construction of sections of the new link road, infrastructure, and Phase 2 of the development (comprising 248 dwellings). A current application proposes the formation of a country park, pursuant to the outline-approved scheme.
- 3.13 It is apparent from the planning history that EDDC was keen to ensure that any employment development coming forward at Tithebarn Green would not adversely affect the viable establishment of the Science Park and Skypark as principal employment locations in the West End. For this reason, employment development at Tithebarn Green was tightly defined in terms of permitted use, quanta, and phasing.
- 3.14 It is also noted that the adjoining Mosshayne site has the benefit of outline permission for up to 900 dwellings, primary school, and associated development (ref: 14/2761/MOUT).

4. APPRAISAL

Overview

- 4.1 There is a suite of planning policies for the West End, associated with inter-related development schemes built around a common vision. In this regard, it is appropriate to look at the area holistically in considering the potential implications of the land swap. Importantly, this will include consideration of whether the proposals will materially affect the overall balance of land uses in the West End and any associated implications for the Council's development strategy.
- 4.2 In addition to the above, consideration also needs to be given to any potential site-specific affects associated with the proposals. However, at this stage, it is necessary to consider this in broad terms based on the provisional updated Masterplan (Appendix 2) and in the absence of defined development proposals for individual sites.
- 4.3 Crucial to any balancing of planning considerations in this case is the wider economic effects of the proposals. It is highly material to consider the overall viability and deliverability of the Science Park and the economic prosperity of the West End/Growth Point/Enterprise Zone.
- 4.4 Having regard to the matters raised in previous consultation with the Council, the following specific issues are considered below:
- What will be the effect on the overall balance of land uses within the West End?
 - What are the potential implications for the Science Park Masterplan?
 - Are the proposals compatible with the North of Blackhorse (Tithebarn Green) Masterplan?
 - What is a reasonable affordable housing target for the proposed new residential area?

Land Use Balance within the West End

- 4.5 The adopted Local Plan spatial strategy for the West End is for significant residential development and major employment development to attract strategic inward investment, along with supporting infrastructure and community facilities. The West End includes around 133Ha of available employment land¹ and provision is made for over 10,000 new homes. This is the overall context in which the land swap proposals should be considered.
- 4.6 The proposed land swap will result in the following:
- A net reduction in the size of the Science Park by approximately 0.5Ha (around 2%). The provisional updated Masterplan indicates an overall reduction in floorspace by around 3,000sqm (around 4% of the total floorspace permitted in outline) (see Table 4.1 below and Appendix 2); however, the provisional updated Masterplan is necessarily conceptual and does not seek to accurately define the quanta of development that may come forward in each cluster or on particular development parcels.
 - The transfer of approximately 3.0Ha of land allocated for mixed use within the North of Blackhorse policy area (Strategy 13) to within the defined Science Park. Based on the outline-permitted scheme for the North of Blackhorse area, the swap would result in a change from a permitted general office use to employment uses meeting the 'Gateway' tests. As such, there will be no net loss of

¹ East Devon Employment Land Review – Year Ending 31 March 2015

employment land within the North of Blackhorse policy area. However, the loss of land identified for general office development (c2,800sqm floorspace out of a total of 8,800sqm permitted in the North of Blackhorse policy area) may be viewed as an opportunity cost as replacement general office accommodation is not planned as part of the land swap. Using standard employment density assumptions, the reduction in general office accommodation could equate to up to 200 FTE employees (1 per 12sqm NIA); and

- A likely increase of around 165 dwellings that will effectively form part of the wider North of Blackhorse/Redhayes (Tithebarn Green/Mosshayne) new community.

- 4.7 The net reduction in the overall size of the Science Park is clearly immaterial and there is flexibility within the Masterplan to offset this loss through improved efficiencies in the use of land within identified development clusters, without materially affecting the overall design concept of clusters within a parkland setting.
- 4.8 The planned extension of the Science Park into the North of Blackhorse area raises no conflict with planning policy since the land has already been approved for employment use. Strategy 13 does not restrict the nature of employment provision coming forward within this policy area.
- 4.9 A good proportion of the planned provision within the Exeter Gateway Office Park (c6,000sqm residual floorspace) will remain available for general office use should specific requirements for this location materialise. The current position 'on the ground' shows that there is suitable flexibility and choice for prospective office developers and occupiers within the West End (and wider Exeter and East Devon Growth Point). Notably, this includes the nearby Skypark which benefits from Enterprise Zone status and where additional office accommodation is currently under construction and being actively marketed should short-term requirements materialise. There are also opportunities with the planned expansion of Exeter Airport Business Park which also has Enterprise Zone status.
- 4.10 In these circumstances, the opportunity cost of c2,800sqm general office floorspace is capable of being absorbed within the wider availability of office opportunity sites/premises and is considered to have no materially significant effect on overall economic wellbeing. This is especially when weighed against the benefits associated with improving the viability of the Science Park including the higher quality of jobs likely to be provided in comparison to standard office employment.
- 4.11 Looking at the North of Blackhorse/Redhayes scheme as a whole (Strategy 13), outline planning permission has been granted for up to 1,830 dwellings (ref: 12/1291/MOUT; 14/2761/MOUT) in the context of a policy requirement for 1,500 dwellings. In this regard, an uplift in housing provision within this part of the West End has already been found to be acceptable in planning policy terms.
- 4.12 It is also noteworthy that evidence supporting the preparation of the Local Plan² states that it is probable that windfall housing development will come forward in the West End (a 2011 permission for 55 additional dwellings immediately adjoining the Cranbrook policy area is cited as an example). Given the overall scale of the West End, this is clearly a reasonable proposition, and EDDC has rightly factored in a district-wide windfall allowance as part of its overall projected housing trajectory for the Local Plan period. The adopted Local Plan states that this has 'conservatively' been estimated at around 130 dwelling completions per year in the district over the period to 2031.
- 4.13 In EDDC's correspondence of 19 May 2016, reiterated in correspondence dated 14 December 2016, it is suggested that the Local Plan Inspector raised concerns over the concentration of planned housing provision in the West End. However, the Inspector opined that by directing the majority of new housing development to the West End, the Plan respects the District's landscape constraints and builds on existing achievements and commitments (Inspector's Report para 22). What the Inspector's Report actually points to is a concern that too little growth was planned for other main towns and larger villages

² Technical Working Paper on Housing Land Supply, June 2013

(para 26). As such, it is considered that the Local Plan Inspector's comments should not be construed as a warning against further residential development in the West End. The adopted overall spatial strategy has a clear focus on accommodating significant residential development in the West End and this is likely to include a good proportion of EDDC's anticipated residential windfall development over the Local Plan period.

- 4.14 The additional employment needs (say 0.7Ha equivalent employment land) arising from 165 new homes can be readily absorbed within existing, committed, and allocated sites within the West End (around 133Ha availability) and wider Growth Point area. This is especially having regard to the annual take up of employment land in East Devon, which averaged 3.29Ha (6,466sqm) per year for the period 2007-2015, and the fact that the District has lost comparatively limited employment land to non-employment uses over this period³.
- 4.15 Returning to the Local Plan Inspector's Report, the Inspector identifies that the amount of land allocated for employment use in the Plan exceeds that recommended in the Housing & Employment Study (para 56) which points to there being sufficient flexibility to meet the Council's growth aspirations (including windfall allowances).
- 4.16 Overall, the identified general office opportunity cost, along with the additional employment requirement arising from the estimated number of additional dwellings (c165), is not significant in terms of the overall balance of development coming forward in the West End. It is concluded that the West End will remain as a sustainable and well-balanced growth area should the land swap proposals come forward. In this regard, EDDC should be in a position to exercise flexibility in the interest of enhancing the viability and deliverability of the flagship Science Park.

Science Park Masterplanning

- 4.17 The Science Park Masterplan will be revised as a result of the proposals. In support of this submission, a provisional updated Masterplan has been prepared (**Appendix 2**).
- 4.18 The following table summarises the provisional changes to the Masterplan:

Development Area	Existing Masterplan	Provisional Updated Masterplan
Science Park Centre Cluster (Babbage Way)	Main entrance Hub comprising the established Science Park Centre and fully-let Eagle House. Two 'grow-on' buildings (c2,500sqm) are about to commence construction and permission has been granted for an extension to the Science Park Centre. The remainder of the cluster provides a hotel plot and two additional employment plots.	The Centre Cluster will expand to take in the current Eagle One Development Area ('2') to the immediate east. This will provide scope for c7,800sqm additional employment development and it also offers an alternative location for the planned hotel.
Redhayes Cluster	Serviced plot providing scope for c5,500sqm employment development.	Unchanged

³ East Devon Employment Land Review – Year Ending 31 March 2015

Global Environmental Futures Campus	Home of the Met Office supercomputer and HPC complex. The remainder of the campus provides the opportunity for c1,900sqm floorspace for data-focused companies.	Unchanged
Tithebarn Cluster	Serviced plots providing scope for c5,800sqm employment floorspace.	Unchanged
Langaton Cluster	c14,200sqm employment floorspace opportunity with critical infrastructure in place.	The Langaton Cluster will reduce in size to approximately 7,800sqm as a result of the Phase 2b land being given over to Eagle One.
Blackhorse Cluster	Serviced plots providing scope for c15,500sqm employment floorspace.	The Blackhorse Cluster will relocate to the current Eagle One Development Area ('1') and reduce in size to c8,000sqm.
Central Cluster (provisional name)	n/a	A new cluster will occupy part of the land previously identified as the Blackhorse Cluster, comprising c2,900sqm floorspace for employment and/or ancillary service uses.
Overall	c76,500sqm floorspace comprised of 6 distinct clusters set within a parkland setting	c73,500sqm floorspace comprised of 7 distinct clusters set within a parkland setting. More development is focussed at the Science Park Centre Cluster and other new land close to the A30.

Table 4.1 Summary of Provisional Changes to the Science Park Masterplan

4.19 Key design-related points that can be noted from the provisional updated Masterplan are as follows:

- The land swap will eliminate the current constraints imposed on the Science Park associated with stopping up Langaton Lane and acquiring the Kennels land;
- The Science Park will gain land with excellent visual prominence from the A30, providing new opportunities for key statement buildings and improved scope for prospective occupiers requiring high-profile sites, building on the established success of the Science Park Centre Cluster;
- It reduces the potential for brand confusion between the Science Park and Exeter Gateway Office Park by significantly enhancing the Science Park's status and prominence from the A30; and
- The overall design concept of development clusters within a parkland setting is not compromised by the proposals. A higher proportion of development is focussed at the Science Park Centre Cluster and other new land close to the A30, with the remainder of the park being largely unaffected.

- 4.20 Experience in bringing forward the Met Office Computer Centre (ref: 14/2063/MRES) and other developments within the Science Park demonstrates the flexibility and adaptability of the Masterplan and design coding for the park. The outline planning permission provides the flexibility to alter the Design Codes for specific clusters.
- 4.21 For the above reasons, the proposed land swap has a number of design advantages for the Science Park in terms of its attractiveness and deliverability, without affecting the overall Vision and design concept.

Tithebarn Green Masterplan

- 4.22 The outline approved Masterplan and revised Phasing Plan for the North of Blackhorse Land (ref: 12/1291/MOUT) show that the proposed new residential site will be flanked by a residential area and a Local Centre (commercial and community uses) (see Fig 4.1 below).



Fig 4.1 Extract from Phasing Plan Rev 4 (ref: 12/1291/MOUT)

- 4.23 As such, there is no conflict in land use terms arising from the planned provision of additional homes in this location.
- 4.24 The proposed new residential area benefits from frontage to the Tithebarn link road and can be accessed independently.
- 4.25 The introduction of additional housing within the walk-in catchment of the permitted Local Centre will strengthen its attractiveness and viability.
- 4.26 There are no in principle masterplanning/design issues arising from the intended use of the Exeter Gateway Office Park plots for alternative employment uses forming part of the Science Park.

- 4.27 For the above reasons, the proposed land swap is wholly compatible with the approved Masterplan and Phasing Plan for the North of Blackhorse scheme.

Affordable Housing Provision

- 4.28 The Council's Affordable Housing Viability Study (2011) identified separate market value areas in the District, subsequently endorsed by the East Devon Community Infrastructure Levy Viability Study (2013). On that basis, Local Plan 'Strategy 34 – District Wide Affordable Housing Provision Targets' provides a two-tier approach with identified development sites located in the West End subject to a 25% target, along with identified towns. Elsewhere in the district, a 50% affordable housing target applies. Where a proposal does not conform to the target, it is necessary to submit evidence to demonstrate a lack of viability or why the target provision is otherwise not appropriate.
- 4.29 Strategy 34 states that the applicable development sites in the West End are Cranbrook, Adjacent to Pinhoe, and North of Blackhorse. These are all of the West End schemes listed under Strategy 9 that comprise residential development, the remainder being employment schemes.
- 4.30 It is wholly reasonable to assume that any of the other West End schemes listed under Strategy 9 would have been subject to the same 25% affordable housing target if they were to have been specifically identified and allocated for an element of residential development under this and other related Local Plan policy (being in the same market value area).
- 4.31 It follows that any permitted residential development falling within other West End development schemes should reasonably be subject to the same 25% affordable housing target, particularly where new residential development is to be contiguous with those West End sites identified specifically in Strategy 34.
- 4.32 In this particular case, Science Park Phase 2b, proposed for residential development, immediately adjoins the North of Blackhorse area identified in Strategy 34, where permitted residential development is subject to a 25% affordable housing requirement (ref: 12/1291/MOUT; 15/1565/V106).
- 4.33 The above point is reinforced by the fact that the West End is very much dealt with as a single strategic entity in the Local Plan, with the overarching 'vision' referring to a series of 'inter-related' developments securing high quality new homes and jobs and fully integrated transport and infrastructure provision. In these circumstances, there is no cogent planning basis for applying different affordable housing targets within the West End.
- 4.34 Moreover, there will be no materially significant market or financial factors that should alter the approach to affordable housing provision on these neighbouring housing sites. Land values, development costs, house prices, council taxes and utility costs will be largely comparable.
- 4.35 It has been pointed out by officers that much of the strategic infrastructure required in support of the Tithebarn Green development is already in place, funded from both public and private sources. Whilst it can be argued that further housing development on the Phase 2b land will benefit from the strategic infrastructure already in place (ie. direct access off the link road), the proposed development will nevertheless be subject to the payment of the Community Infrastructure Levy (noting that the Phase 2b land is located in the higher residential charging zone) along with any s106 obligations deemed necessary.
- 4.36 The Council's Affordable Housing Viability Study⁴ confirms the underlying position that a 50% affordable housing requirement for 'Edge of Exeter' sites falling within East Devon is not viable based on prevailing market values and assessed residual values (the lowest in the district), regardless of whether or not

⁴ Affordable Housing Viability Study (Roger Tym & Partners, Three Dragons; October 2011)

additional costs associated with large-scale urban extensions are factored in (ie. whether looking at a notional 1.0Ha site or a larger strategic site). The Viability Study concludes that 25% would be a realistic target for most development in areas such as the West End.

- 4.37 Additionally, it is noteworthy that Eagle One is effectively subsidising ESPL through the land swap proposals by providing Development Areas '1' and '2' at a nominal price and reduced market price respectively. This will offset to a greater or lesser extent any eventual financial benefit to be gained by having strategic infrastructure in place to serve residential development on the Phase 2b land.
- 4.38 This further highlights the reasonable starting position that the proposed new residential land should be subject to the same affordable housing target as that applied to adjoining permitted housing development.
- 4.39 It is concluded that a 25% affordable housing target is an appropriate starting position given the particular circumstances in this case.
- 4.40 Overall, the land swap is likely to result in the delivery of up to around 40 additional affordable housing units within the Tithebarn Green new community, at a 25% target level, which can be viewed as a positive aspect in the overall planning balance.

5. SUMMARY AND CONCLUSIONS

- 5.1 This planning policy review provides a reasoned justification for the land swap proposals, as described in Section 2, at the request of EDDC.
- 5.2 The rationale for the land swap is essentially to bolster the viability and deliverability of the Science Park by providing a better land and asset base on which ESPL can invest and develop. The proposal will redefine the extent of the Science Park and bring all of the land within the ownership and control of ESPL. Importantly, this will remove any ambiguity for potential developers and investors and enable to ESPL to have full control over the future of the Science Park and full responsibility for realising the Vision.
- 5.3 The economic and practical rationale for the land swap is material to the overall planning consideration as it relates to the viability and ultimate success of the Science Park and wider economic prosperity. In this regard, the underlying economic case for the land swap needs to be considered in conjunction with the specific material planning policy considerations addressed in part in this review, as summarised below, and it will weigh heavily in support of related development proposals that will come forward in due course.
- 5.4 The followings key points can be drawn from the analysis:
- The net reduction in the overall size of the Science Park is immaterial.
 - The planned extension of the Science Park into the neighbouring North of Blackhorse policy area raises no conflict with planning policy since the land has already been approved for employment use. The relevant policy for the North of Blackhorse scheme does not restrict the nature of employment provision coming forward within this policy area.
 - A good proportion of the land within the Exeter Gateway Office Park will remain available for general office use should specific requirements for this location materialise.
 - An uplift in housing provision within this part of the West End has already been found to be acceptable in policy terms and there is a general expectation that windfall housing development will occur in the West End over the Local Plan period.
 - The land swap is not significant in terms of the overall balance of development coming forward in the West End which provides 133Ha available employment land and provision for over 10,000 new homes.
 - This is a unique set of circumstances and clearly will not set a precedent in terms of any perceived departure from strategic land use policy for the West End.
 - The proposed land swap has a number of design advantages for the Science Park in terms of its attractiveness and deliverability, without affecting the overall design concept. This is demonstrated by the provisional updated Masterplan provided with this analysis.
 - The proposed land swap is wholly compatible with the approved Masterplan and Phasing Plan for the North of Blackhorse land.
 - 25% affordable housing provision is considered to represent an appropriate target for the proposed new housing area given prevailing residential market conditions for the West End and given the particular circumstances in this case.
 - The land swap is likely to result in the delivery of up to around 40 additional affordable housing units within the Tithebarn Green new community which should be viewed as a positive aspect in the overall planning balance.

- 5.5 The above conclusions point to the land swap proposals being acceptable in principle having regard to the adopted Local Plan and NPPF.
- 5.6 On the basis of this assessment, the land swap proposals are commended to EDDC on the basis of a strong economic justification and overall compatibility with the Local Plan strategy for the West End.

APPENDIX 1 – EDDC CORRESPONDENCE

Date: 19 May 2016
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Direct Fax:
Reference: 16/0179/PREAPP



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Dear Mr Quincey

Further to the Members Advisory Panel held on 19 April 2016 to discuss the proposed land swap between part of the site subject to the outline planning permission for the Science Park with part of the office use approved as part of the Tithebarn Green development. Please accept my apologies for the delay in confirming the panels views in writing, however the delay reflects the amount of time Members and officers have spent considering the issues raised and a potential way forward.

The Proposal

Under the proposed land swap the Science Park land would be proposed for housing as an extension of Tithebarn Green, while the office land would remain in a commercial use but would form part of the Science Park rather than being a separate business park. New development would amount to an additional 165 houses. In terms of existing approved development there would be no loss of commercial floor space within Science Park, but there would be a loss of 30,000 sq ft (2,787 sqm) of employment floorspace (3 hectares of employment site area) from the Tithebarn Green development.

A joint presentation from Science Park Company (SPC) and Eagle One (EO) set out the following reasons the land swap is being pursued:

- The land within Science Park proposed for the land swap is not controlled by SPC/DCC but is retained by EO (approximately 100,000 sq ft out of the approved 800,000 sq ft). It is claimed that this split in ownership is creating uncertainty over delivery and is discouraging long term investors who specialise in Science Park development.
- The site contains a separate property, the Kennels, which is demanding a high purchase value (residential value) which SPC cannot afford.
- The retention of the Kennels prevents Langaton Lane being stopped up.
- The location of the Enterprise Zone needs to be fixed before the end of the year and once fixed cannot be altered. If the Land Swap were judged to be acceptable the revised site needs to be included within the identified Enterprise Zone.

- Science Park would be separated from the adjacent business park which is seen as both competing with, and potentially detracting from, the quality of the Science Park.
- It would give Science Park a larger road frontage.

Policy Implications

In considering the proposal against the policies within the adopted East Devon Local Plan, we must advise that the proposals raise a number of policy conflicts relating to the principle of additional housing in this location, the appropriate affordable housing percentage, and loss of employment from the Tithebarn Green site.

Although within the outline planning permission and the Local Plan allocation for Science Park, the land proposed for additional housing falls within the open countryside and is currently agricultural land. The site is allocated under Strategy 9 (Major Development in the West End) as a R&D employment site, not as a housing site.

As such, and as EDDC can demonstrate an up to date 5 year land supply, the provision of additional housing in this location would be contrary to Strategies 2 (Scale and Distribution of Residential Development) and 7 (Development in the Countryside) of the Local Plan.

Even if additional housing were needed, EO indicated in their presentation that this additional housing would not come forward until post 2020 so it would not contribute to the current 5 year land supply. Furthermore the Local Plan Inspector raised concerns over the concentration of housing in the West End suggesting that if additional housing were to be needed, it should be allocated elsewhere in the District.

Strategy 34 (District Wide Affordable Housing Provision Targets) sets an affordable dwelling target of 25% within "the Major Strategic 'West End' development sites", which are defined as "a) Cranbrook, b) adjacent to Pinhoe and c) North of Blackhorse as shown on the West End inset map". Outside of these areas sites within the West End are required to provide 50% affordable housing subject to viability considerations.

During the presentation it was identified that a key element of the deal negotiated between SPC and EO is that only 25% affordable housing can be provided to enable the commercial land to be partly transferred to SPC for free and partly optioned at a discounted rate. It was further stated that if 50% affordable housing is required the land swap will not happen as the commercial land cannot be sufficiently discounted.

An argument has been presented by Clarke Wilmot Solicitors that as the land proposed for the additional housing falls within the Science Park as allocated on the West End inset map, and the Science Park is a "Major Strategic West End development site", the 25% target applies.

This argument has been considered but it is the view of officer's that this interpretation is not correct. Firstly, Strategy 34 is a housing policy which would not apply to a non-residential scheme. Secondly land 'North of Blackhorse' is an entirely separate allocation from the Science Park as shown on the West End inset map and identified in Strategies 9 (Major Development in the West End) and 13 (Development North of

Blackhorse/Redhayes). The benefit of the lower affordable threshold within Strategy 34 clearly only applies to the identified residential sites within the West End.

However, the 50% affordable housing target is subject to viability and if the proposal is unviable at 50% then you could submit an open book viability appraisal of the scheme to justify a lower affordable provision. Clearly the tenure of the affordable housing units can also significantly impact on viability and could be looked at as well.

While the employment floorspace within the Science Park would be maintained, the land swap would result in the loss of approximately 2,787 sqm out of the approved 8,850 sqm of employment floorspace from the Tithebarn Green development (a reduction of 4.7 ha of employment site area down to 3 ha). This would result in a higher density office scheme on the remaining 1.7 ha of Tithebarn Green employment land than was originally envisaged, a jump from 1,883 sqm per ha to 3,529 sqm per hectare.

Strategy 13 (Development North of Blackhorse/Redhayes) identifies this as a mixed use development consisting of, amongst other things, on site employment provision, while Strategy 31 (Future Job and Employment Land Provision) identifies employment provision of around 1 hectare for each 250 homes proposed. The loss of just under a third of the employment floorspace and almost two thirds of the employment site area from the existing Tithebarn Green development, particularly taking into account the pending Mosshayne permission for an additional 900 dwellings, would conflict with the intent and aim of these strategies which together would require additional employment land to serve this development, not less.

More specifically Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) only supports the loss of current or allocated employment land in four circumstances, none of which apply in this case. The most relevant of these relate to the employment use causing harm to the quality of the locality and/or the use not being viable or there being surplus employment land. In respect of the quality of the locality, the location of the employment use within the development and its impact was considered acceptable as part of the wider masterplanning for the Tithebarn Green development. In respect of delivery/demand, EO confirmed that if permission was not granted for the land swap they would deliver the employment provision, notwithstanding the competition from Skypark which would fall within the Enterprise Zone. They also confirmed that long term there is demand for this level of employment, albeit short term delivery is more difficult due to the restrictions within the Tithebarn Green Section 106 (size restriction on individual units until floorspace targets reached at both Skypark and Science Park).

Despite these policy constraints we do acknowledge that Science Park is a key component of the growth agenda for the area delivering a high quality research and technology site that creates an attractive working environment for creative industries yielding high quality skilled jobs. The delivery of Science Park is a key component of the growth strategy detailed in our Local Plan and incorporated into Strategy 9 of the Local Plan.

Overall the proposed land swap conflicts with several policies within the adopted East Devon Local Plan. While acknowledging the importance of Science Park to the growth agenda in the west end of the district these policy conflicts must still be addressed and fully considered. While the Council is sympathetic to the issues being raised regarding deliverability and maintains its support for Science Park as a key strategic site, planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Several conflicts with policy have been detailed above and to depart from these policies without a

significant material planning justification would undermine the strength of the Local Plan and could lead to housing developments coming forward in inappropriate locations, loss of affordable housing, and loss/under delivery of employment land.

The reasons put forward for the Land Swap therefore need careful consideration because if these reasons do not form a material planning consideration that outweighs the policy conflict in the Local Plan, the proposal should not be supported on planning policy grounds.

A Way Forward

It is for SPC and/or EO to put forward a case for the land swap based on robust transparent evidence which will need to address the following, with reference to the above identified policies:

- the viability/deliverability of Science Park in both the medium and long term,
- why the 50% affordable housing target is not viable as demonstrated through an open book exercise and what percentage is therefore viable,
- all impacts of additional housing in this location,
- consideration of alternatives to the land swap that could unlock the land at Science Park in the event that it does not come forward in good time,
- the impact of the proposal on the established masterplan/design code for Science Park, as defined through the vision for the Science Park comprising a landscape setting of clusters of development,
- the implications on the established masterplan/design framework and mix of uses within the Tithebarn Green/Mosshayne development,

If through these assessments it can be demonstrated that the land swap is necessary to secure the delivery and viability of Science Park and this is supported by robust evidence then it may be possible to demonstrate that the Council's vision for the west end of the district is under significant threat without the land swap. It is considered that in the event of this being demonstrated then a departure from the above mentioned policies of the Local Plan could be justified.

In terms of the format of an application you will need to consider how this will be applied for i.e. will it be one or two applications, will they be in outline or for detailed approval, how will the existing Masterplans, design codes/frameworks and Section 106 Agreements be addressed and where necessary varied.

We would also expect all the normal planning issues to be addressed within the application(s) such as highways, ecology, landscaping, drainage, additional Section 106 issues (education, hab regs, open space etc) supported by the normal range of planning documents (planning statement, design and access statement, statement of community involvement, appropriate technical reports etc).

We would also advise that if a decision was not made before 1 September 2016 then the housing development would be subject to CIL and as the site is not allocated this would be at the higher residential rate.

Finally the proposal is also likely to require an Environmental Statement and you may wish to request a screening and/or scoping opinion to establish our view on this and what information would be required.

As discussed at the meeting the Council is keen to support the delivery of Science Park and wants to help to remove obstacles to its delivery and viability. We are however required to make planning decisions in accordance with the Local Plan unless other material considerations suggest otherwise. We have through this letter identified some issues that you may wish to explore that could support a departure from policy. I hope that this is helpful and you will see this as a potential way forward however the onus is on the SPC and EO to provide evidence to demonstrate the implications of the land swap for the deliverability and viability of Science Park. To date we have not been provided with any evidence to support these claims and therefore we cannot do anything other than raise concerns with your proposal at this time.

I trust these comments are helpful.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ed Freeman', with a long horizontal stroke extending to the right.

Ed Freeman
Service Lead – Planning Strategy and Development Management

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Dear Gerry

Exeter Science Park Land Use Swap Proposal with Eagle One

I am writing further to your e-mail of the 14th November to Mark Williams. Your e-mail and the enclosed letter have been passed to me to reply to due to the planning issues raised. Please accept my apologies for the delay in replying.

I would like to start by restating the Council's firm commitment to supporting the delivery of the Science Park which we see as a vital part of our Economic Development Strategy and crucial to delivering the high quality jobs and knowledge based economy that we want to deliver in East Devon and across the wider Greater Exeter area. There are however a number of planning issues raised by the land swap proposals that require a level of evidence and justification to be submitted if Members are to be able to make a sound planning decision to support the proposals. The required details were outlined in our letter of the 19th May 2016 following the Members Advisory Panel and discussed further in your letter of the 29th September and my subsequent e-mail in reply on the 24th October. The following comments should be read in the context of the previous correspondence and discussions on this matter.

I note the comments in Prof Sir William Wakeham's letter of the 14th November regarding the Science Park company's future business model and the reasons why continuing with the current model is not feasible. I understand that a reliance on LEP Growth Deal grant funding is unsustainable. I also appreciate you sending the financial details for the two grow-on buildings which has helped me to understand the viability issues you had previously referred to. However I am not convinced that these details demonstrate why Eagle One would not undertake plot development in phase 2b as you suggest. The appraisal appears to have only taken into account the first 10 years of rental income when usually viability would be assessed taking into account at least the first 25 years of rental income. It appears that if rental income is extrapolated over this longer period then a significant profit can be achieved particularly if future increases in rental income over that period are taken into account. I do however accept that normally there would be loans to service within that appraisal which would have a significant detrimental impact on viability. Taking all of this into account I am not convinced that the issue of viability of Eagle One building out plots in phase 2b has been fully made and further clarification of this point is needed including a more detailed viability assessment.

East Devon – an outstanding place

Chief Executive: Mark R Williams Deputy Chief Executive: Richard Cohen



I accept that there are significant benefits to the delivery of Science Park of involving specialist investors with dedicated resources for the delivery of science park developments and the benefits of ESPL's ownership and control are understood. Clearly these issues being resolved would assist in the delivery of Science Park and while not strictly planning matters do in my opinion help to support your case. Clearly other work is going on to include Science Park within an Enterprise Zone and provide incentives to investors in the area which in combination with a strong level of demand put the Science Park in an excellent position to deliver on our shared aspirations for the site.

You will recall from our letter of the 19th May and my e-mail of 24th October that there were a number of other issues to be addressed aside from the viability and deliverability of Science Park. You have addressed in passing the issue of the level of affordable housing that would be sought from Eagle One in essence saying that a higher level than 25% would make the proposed deal unviable. Clearly this is one argument to be made in combination with the delivery arguments but I would strongly suggest that if there is evidence to demonstrate that a higher percentage is not economically viable to Eagle One that this form part of any application as exceptions are allowed under our policies but only on the basis that it has been demonstrated that it is not viable. The other issues raised in previous correspondence remain unaddressed and can be summarised as:

- An assessment of all impacts of additional housing in this location to address issues such as the impact on housing delivery in the area and the Council's housing strategy for the district particularly in light of comments made by our local plan inspector that too much housing was focused in the growth point area.
- consideration of alternatives to the land swap that could unlock the land at Science Park in the event that it does not come forward in good time,
- the impact of the proposal on the established masterplan/design code for Science Park, as defined through the vision for the Science Park comprising a landscape setting of clusters of development,
- the implications on the established masterplan/design framework and mix of uses within the Tithebarn Green/Mosshayne development.

To my mind our correspondence has provided me with a much greater understanding of the viability and deliverability issues associated with Science Park but there is still a need to address the above issues and ultimately all of the information will need to be brought together as supporting documents for the necessary planning applications to enable the land uses to be effectively swapped. It seems to me that in order to move this forward you would be best advised to appoint expert consultants to bring this information together to support the relevant applications. In the absence of an application with the above mentioned supporting information all I can do is reiterate this Council's strong support for the Science Park but that at present in my opinion there remains insufficient supporting information to enable officer's to make a sound recommendation on planning grounds to Members to support this proposal as a departure from local plan policy.

I hope my comments are helpful. Please let me know if further clarification or assistance is needed regarding any of the points raised.

Yours sincerely



Ed Freeman

Service Lead – Planning Strategy and Development Management

APPENDIX 2 – PROVISIONAL UPDATED MASTERPLAN

