



East Devon District Council

# LOCAL DEVELOPMENT ORDER

Power Park Exeter

## Statement of Reasons

## **LDO Power Park Exeter**

### **Statement of Reasons**

#### **1. Introduction**

1.1. This document satisfies the requirements of Article 38(1) and (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (DMPO) which states that where a Local Planning Authority proposes to make a Local Development Order (LDO) they shall first prepare:

- 1- A draft order; and
2. A statement for their reasons for making the order, containing;
  - a) A description of the development which the order would permit; and
  - b) A plan or statement identifying the land to which the order would relate.

#### **2. Background**

2.1. The site is located to the south of Exeter airport and to the north east of the existing airport business park. The site extends to approximately 7.7 hectares (ha) and is currently agricultural land. To the west it adjoins airport car parking with operational airport buildings beyond. To the south is an established business park, accommodating a variety of uses and to the east are open fields.

2.2. The majority of the site (5 ha) is allocated for business/employment generating uses within East Devon Local Plan 2013-2031. By allocating the site for such uses the Local Plan seeks to enable modest expansion of the existing airport business park and provide for a range of additional employment opportunities. Despite the Local Plan allocation, the site has yet to come forward for development.

2.3. The whole site (7.7 ha) forms part of Exeter and East Devon Enterprise Zone (EEDEZ), which was designated in 2017. One of the key objectives of the EEDEZ is to bring forward a simplified planning regime, such as Local Development Orders, to support delivery of the sites. The LDO will provide a clear overview of the type, use and form of development that is permitted on the site. It will facilitate economic growth, encouraging investment into the area by providing clarity and certainty for development and streamline the planning process.

- 2.4. The LPA have been working in partnership with the site promoters, Oxenwood, and other key internal and external stakeholders to agree the specifics of the LDO including the setting of the development parameters and the Design Code, within which the development of the site can emerge.
- 2.5. The Order sets out the parameters for development permitted by the LDO and identifies the timeframe of the LDO. The development which is permitted by the Order is subject to a list of planning conditions identified in the Order.

### **3. What is an LDO?**

- 3.1. An LDO is an Order made by the Local Planning Authority (LPA) that grants planning permission for a specific development proposal or classes of development in defined locations. LDOs were introduced through the Planning and Compulsory Purchase Act 2004 ('2004 Act') and allow local planning authorities to extend permitted development rights for certain specified forms of development subject to conditions. The powers were subsequently amended in the Town and Country Planning Act 2008 ('2008 Act'), which removed the requirement that LDOs should implement policies set out in the Development Plan.
- 3.2. LDO's are a flexible tool for the LPA to use to accelerate the planning process by providing permitted development rights for appropriate development on a site.

### **4. Development Permitted by this Local Development Order**

- 4.1. The Local Development Order (LDO) grants planning permission for the development of land for employment generating uses and ancillary facilities within the defined LDO area, subject to the development parameters, permitted uses, limitations and conditions set out in the Order.
- 4.2. The LDO grants permitted change of use subject to the development parameters, permitted uses, conditions and duration set out in the Order.
- 4.3. If development does not comply with all relevant aspects of the LDO and the Design Code separate planning permission must be sought from the LPA. Where development is to be carried out under the LDO, an application for compliance must be submitted to the LPA for confirmation.

## **5. LDO Structure**

- 5.1. The LDO sets out the permitted development and uses on the site and is accompanied by the Design Code and supporting technical assessments.
- 5.2. The Design Code sets out the details to which the development must comply in respect to building design, landscaping, drainage, parking standards and various other aspects.
- 5.3. Prior to commencing development on site, an Application for Compliance must be completed and submitted to the Council. Within 28 days the Council will confirm whether the development complies with the LDO or request additional information to make a determination. If development complies with the LDO it can proceed accordingly.
- 5.4. The LDO will grant consent for a period of 10 years from adoption. The LPA may amend, extend or revoke the LDO at any time.

## **6. Justification for creating this Local Development Order**

- 6.1. The principal aim for creating the LDO is to encourage and facilitate the development of the site by providing a simplified approach to planning which reduces the regulatory processes and delays associated with the submission of planning applications. The LDO seeks to encourage investment and create a sustainable high quality business park enabling flexibility for the site to provide for changing demands within the business/industrial sectors.
- 6.2. Access to the site is off Long Lane. Highway improvements are currently underway on Long Lane and referred to as the Long Lane Enhancement Scheme, which has benefitted from an investment of £4.51m from the Enterprise Zone programme. The scheme includes widening Long Lane to unlock the development potential of this LDO site, as well as improving pedestrian, cycling and public transport connectivity to existing and future development in the area and supporting wider investment to the Airport and other projects such as the France-Alderney-Britain inter connector project.

- 6.3. The site is located directly adjacent to the Exeter International Airport. The site is identified in the Local Plan as the extension area to the existing Exeter Airport Business Park, which serves the airport with a variety of business and services varying from light industrial to general industrial. Exeter College Future Skills Centre and Hampton by Hilton Hotel found directly south of the Power Park site. The existing business park acts as a hub for the surrounding businesses and has good connections to local and national infrastructure, making it a key location for development. It is well served by local, regional, national and international transport connections with direct access to the main A30 roadway, which has connections to the M5 as it serves the rest of the south west and north east of England, towards Bristol and beyond.
- 6.4. There is a very clear rationale for the introduction of simplified planning regime. It will create certainty for investment and reduce the normal requirements of the planning system in an area that has already been identified as suitable for development.
- 6.5. The LDO will assist the delivery of East Devon Council Plan:
- 6.5.1. Council Priority 2 - A greener East Devon: EEDEZ has a firm commitment to supporting sustainable and low carbon development and the LDO will require BREEAM excellent to be achieved on all buildings over 500sqm GFA and incorporate PV panels to promote green energy. There will be a wide landscape buffer around the site, recognising the importance of the natural environment and its value to biodiversity. The requirement of Travel Plans will ensure a commitment to carbon reduction and promote the accessibility of the site by cycleways, car share and public transport.
  - 6.5.2. Council Priority 3 – A resilient economy: Development of the sites within the EEDEZ is essential to the prosperity of the district. The site will provide for a variety of unit sizes and business uses. The development of the site will be able to flex according to demand and to address economic challenges such as the Covid-19 pandemic. The LDO will remove barriers and delays to development, promoting economic growth for the area.
- 6.6. An LDO is a proactive mechanism and effective marketing tool for the site that will send a clear message that investment is being positively encouraged. Through the LDO limitations and Design Code there is also a clear mechanism available to the

Council, landowner and stakeholders to ensure that an LDO maintains an appropriate degree of control to secure the highest quality outcomes in design terms.

## 7. Environmental Impact Assessment (EIA)

7.1. The proposal is considered to be a form of development under part 10(b) of Schedule 2 of the EIA Regulations 2017 and exceeds the applicable thresholds and criteria by virtue of the development including more than 1 hectare of urban development which is not dwellinghouse. As such, the LPA is required to undertake a screening opinion to identify if there are likely significant environmental effects.

7.2. While the proposed development is of a scale over the threshold requiring screening for the purposes of the EIA regulations, the type and risk of the impacts are not likely to be significant and are capable of being addressed through the LDO process. The formal screening opinion concluded that the proposed development is not likely to result in significant effect on the environment and therefore does not trigger a requirement for an EIA.

## 8. Statement of policies that the LDO would implement

8.1. The LDO is consistent with the aims and objectives of local and national planning policy.

8.2. National Planning Policy Framework (NPPF) paragraph 51 states:

*“Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.”*

8.3. The following extract from the EDDC Local Plan identifies the need for an area of expansion to the existing Airport Business Park. The following extract is from EDDC Local Plan:

### ***“Exeter Airport Business Park***

*Exeter Airport Business Park lies to the South of the Exeter International Airport. The Business Park is home to a range of successful businesses and building and plot vacancy levels at the park are very low. Exeter Airport Business Park accommodates some smaller sized high technology businesses but for the most*

*part is home to manufacturing and distribution businesses and to this end it is not in direct competition with the 'upper end' jobs that Skypark and the Science Park will be seeking to attract.*

*Although the thrust of employment creation in East Devon's West End will be on the major new employment parks and the high value jobs they will offer it is recognised that it is important to also provide a range of additional employment opportunities. Exeter Airport Business Park has proven to be a very successful business location in recent years, proximity to the M5 Motorway and the A30 being key to its success.*

*In order to provide for a range of business uses, not just high skill/ high technology uses, in the West End modest provision is made for expansion of the Airport Business Park."*

- 8.4. The LDO accords with and assists the implementation of East Devon District Council Local Plan 2013-2031. Relevant policies in the consideration of the LDO and the design and layout of future development on the site include:

Strategy 3 - Sustainable Development

The objective of ensuring sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that the following issues and their inter-relationships are taken fully into account when considering development: .....

b) Prudent natural resource use - which includes minimising fossil fuel use therefore reducing carbon dioxide emissions. It also includes minimising resource consumption, reusing materials and recycling. Renewable energy development will be encouraged.

Strategy 9 – Major Development at East Devon's West End

High quality development with associated infrastructure, built within a high quality landscape setting, will be provided in East Devon's West End. The overarching strategy for development will need to dovetail with the development strategy for Exeter with the provision of homes close to jobs and other facilities and services. High quality walking and cycling connections; enhanced bus and rail services, and improved highway provision will be integral to the overall development.

Within the West End of East Devon the following schemes will be provided:

...8. Exeter Airport Business Park - Middle range business park providing for medium to smaller business uses.

Strategy 18 – Future Development of Exeter Airport Business Park

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

Strategy 38 – Sustainable Design and Construction

Encouragement is given for proposals for new development and for refurbishment of, conversion or extensions to, existing buildings to demonstrate through a Design and Access Statement how:

- a) sustainable design and construction methods will be incorporated, specifically, through the re-use of material derived from excavation and demolition, use of renewable energy technology, landform, layout, building orientation, massing, use of local materials and landscaping;
- b) the development will be resilient to the impacts of climate change;
- c) potential adverse impacts, such as noise, smell, dust, arising from developments, both during and after construction, are to be mitigated.
- d) biodiversity improvements are to be incorporated. This could include measures such as integrated bat and owl boxes, native planting or green roofs.

Development over 1000sqm of commercial floor space should meet the target of BREEAM of at least “Very Good”.

Strategy 47 – Nature Conservation and Geology

The development will need to:

1. Conserve the biodiversity and geodiversity value of land and buildings and minimise fragmentation of habitats.
2. Maximise opportunities for restoration, enhancement and connection of natural habitats.
3. Incorporate beneficial biodiversity conservation features.

Strategy 49 – The Historic Environment

The physical and cultural heritage of the district, including archaeological assets and historic landscape character, will be conserved and enhanced and the contribution that historic places make to the economic and social well-being of the population will be recognised, evaluated and promoted.



Policy D1 – Design & Local Distinctiveness

Promoting high quality and locally distinctive design whilst meeting sustainability credentials and mitigating impacts from the development.

Policy D2 – Landscape Requirements

The use of appropriate landscaping can enhance the setting of new buildings and assist in nature conservation and habitat creation.

Policy EN6 – Nationally and Locally important Archaeological Sites

Development that would harm nationally important archaeological remains or their settings, whether scheduled or not, including milestones and parish stones, will not be permitted. Development that would harm locally important archaeological remains or their settings will only be permitted where the need for the development outweighs the damage to the archaeological interest of the site and its setting.

Policy EN7 – Proposals affecting Sites which may potentially be of Archaeological Importance

Implications for the development proposal on potentially important archaeological sites must be assessed.

Policy EN14 – Control of Pollution

Permission will not be granted for development which would result in unacceptable levels of pollution, either to residents or the wider environment.

Policy EN16 – Contaminated Land

Where it is anticipated that contamination may be present on or near to a development site, a contaminated land assessment will be required.

Policy EN19 – Adequacy of Foul Sewers and Adequacy of Sewage Treatment Systems

New development will not be permitted unless a suitable foul sewage treatment system of adequate capacity and design is available or will be provided in time to serve the development. Development where private sewage treatment systems are proposed will not be permitted unless ground conditions are satisfactory and the plot

is of sufficient size to provide an adequate subsoil drainage system or an alternative treatment system.

Policy EN22 – Surface Run-Off Implications of New Development

Requires appropriate assessment and remedial measures for surface water run-off, including sustainable drainage systems.

Policy TC2 – Accessibility of New Development

New development to be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

Policy TC7 – Adequacy of Road Network and Site Access

The proposed access and traffic generated by the development must not be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 – Parking Provision in New Development

The development needs to provide spaces for the parking of cars and bicycles, including charging points for electric cars.

## **9. Public Consultation**

- 9.1. As part of the LDO process the Council has undertaken informal consultation with various internal and external stake holders including National Highways, Highways Authority, Environment Agency, Local Lead Flood Authority, County Archeologist, District Ecologist, EDDC Environmental Protection Team, Exeter Airport and Clyst Honiton Parish Council.
- 9.2. In respect to the formal consultation it is a requirement that LDOs are the subject of consultation with the procedures set out in Article 38 of DMPO 2015. The Council recognises the choice of consultation method needs to reflect the audience that it was seeking to reach and has ensured the consultation process is compliant with the requirements of just Article 38.

East Devon District Council  
LOCAL DEVELOPMENT ORDER

9.3. All necessary documentation was placed on the Council's website and was available for inspection and public consultation for the statutory period of time of a minimum of 28days.

9.4. Appendix A contains the responses and representations received during the formal consultation process along with the Council's comments in respect to any issues raised.

9.5. The draft LDO and the Planning Parameters Design Code (including associated documents) have been amended in response to comments received during the informal and formal consultation where these are considered appropriate. The LDO is to go before Planning Committed for adoption.

9.6. The Secretary of State will be informed as soon as practicable after adoption.

## **10. Lifetime**

10.1. This LDO takes effect on the date it is adopted by the Council.

10.2. Subject to any subsequent decision by the Local Planning Authority relating to its withdrawal, modification or extension, this Order shall expire after 10 years of the date of its adoption.

10.3. Once the LDO expires the local planning authority will have three options available;

- extend the LDO under the same limitations and conditions;
- provide the LDO and modified the limitations and conditions; or
- revoke the LDO and return to the established planning system.

10.4. Any development which has commenced (as defined by Section 56 of the Town and Country Planning Act 1990) under the provision of the LDO will be allowed to be completed within a reasonable time period, in accordance with the terms and conditions of the LDO.

## **11. Monitoring**

11.1. The implementation and uptake LDO will be monitored through the data gathered under condition (3) which requires all proposed development details to be submitted to the local planning authority.

