



**Exeter City Council**

# Planning Obligations Supplementary Planning Document Adoption Statement

**April 2014**

Exeter City Council adopted its revised Planning Obligations SPD on 1 April 2014. Following representations, the consultation version of the document (January 2014) has been amended as set out in the schedule below. Persons may apply to the High Court for permission to apply for judicial review of the adoption decision not later than 3 months after 1 April.

## **Consultation Comments on Planning Obligations SPD and Exeter City Council Responses**

<b>ID No.</b>	<b>Respondent</b>	<b>Summary of Representation</b>	<b>ECC Response</b>	<b>Changes to Draft SPD</b>
<b>1</b>	<b>Barton Willmore</b>	Welcome clear references to national, legislative and policy context	Support welcomed	None
		Support for acceptance of open book viability assessment.	Support welcomed	None
		The SPD should allow for adoption and maintenance by the Council or an open space maintenance company.	Agree - the draft SPD is not intended to be prescriptive in this regard.	Amend summary table to make it clear that the potential obligations identified are only a guide
		The SPD should allow for high quality landscaping of public realm to negate the need for public art in some instances	Agree - the draft SPD is not intended to be prescriptive in this regard.	Amend summary table to make it clear that the potential obligations identified are only a guide

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		The Council's proposals to charge for management of planning obligations is not compliant with the CIL regulations and should be removed from the SPD.	Agree, on the understanding that this comment relates to monitoring of planning obligations as opposed to Council work to implement them (e.g. design works).	Remove references to £180 at Annex 2 and remove 'receiving, managing and' from the final sentence of section 6.4.2
<b>2</b>	<b>Network Rail</b>	The SPD should require developer contributions towards rail infrastructure in response to increased patronage.	A strategy is already in place and contributions from new development are already being used as part of funding for rail infrastructure within Exeter	None
		Rail infrastructure should be exempt from CIL	The Council's CIL Charging Schedule does not levy a charge on railways.	None
		Railways should be included on the Council's CIL Regulation 123 list.	Specific railway projects are included in the list	None
		Transport Assessments should take cognisance of impacts to existing rail infrastructure.	Noted. The City Council is working with Devon County Council, Network Rail and other rail industry partners to help implement the 'Devon Metro' programme. Rail infrastructure investments are coming forward (including stations at Newcourt and Marsh Barton) that will help to address the City's development strategy.	None
<b>3</b>	<b>Natural England</b>	In the absence of a CIL approach to enhancing the natural environment, we would be concerned that the only enhancements to the natural environment would be ad hoc, and not deliver a strategic approach, and that as such the local plan may not be consistent with the NPPF.	The City Council is working with partners including neighbouring authorities and Natural England to implement the Exeter and East Devon Green Infrastructure Strategy. Green infrastructure investments form part of the CIL regulation 123 list but the Council is also pursuing other mechanisms (including planning policy) to secure natural	None

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			environment enhancements.	
<b>4</b>	<b>Sport England</b>	All new dwellings in Exeter in the local plan period should provide for new or enhance existing sport and recreation facilities to help create opportunities for physical activity whilst having a major positive impact on health and mental wellbeing.	The Council is securing new and enhanced sport and recreation facilities through new development but, in accordance with the CIL regulations, will not use planning obligations to secure strategic facilities.	None
<b>5</b>	<b>Devon County Council</b>	At para 2.2.3, reference should be made to strategic transport facilities.	Agree that this change would make the paragraph more accurate.	Replace 'transport facilities' with 'strategic transport facilities'.
		Paragraph 2.2.4 should state that planning obligations should be focussed on meeting the tests as set out in regulation 122 of the CIL regulation rather than referring to 'scaling back planning obligations'.	Disagree. Paragraph 2.2.2 already covers this point.	None
		Paragraphs 4.6.1 and 4.6.2 do not seem to be consistent with the draft Affordable Housing SPD.	Agree. These paragraphs should reflect the requirement for 35% affordable housing on sites of 3 or more dwellings.	Change paragraphs 4.6.1 and 4.6.2 to reflect the requirement for 35% affordable housing on sites of 3 or more dwellings.

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		It would be helpful if paragraph 4.7.1 could specifically set out the importance of considering infrastructure costs in the negotiation of land purchase prices.	Agree. Paragraph 4.7.1 is intended to make it clear that all costs should be taken into account when negotiating land purchase prices.	Rephrase the first sentence of 4.7.1 to read: 'Developers should take all costs (including potential planning obligations, and any identifiable exceptional site development costs) into account when acquiring land for development'
		The requirement for applicants to submit land registry documents needs to be reflected in the Council's 'validation checklist'.	Disagree, land registry documents are not always necessary and will be sought by Council officers on a case-by-case basis.	None