

Local Plans Team: City Development
Exeter City Council
Civic Centre Paris Street
Exeter
Devon
EX1 1JN

Our ref: DC/2021/122283/CS-01/PO4-L01

Your ref:

Date: 05 February 2025

Dear Sir/Madam

Regulation 19 Draft of the Exeter City Local Plan

Thankyou for consulting us on the above Plan. Overall, we welcome the Local Plan and have been pleased to work with Exeter City Council in its creation. In our view the plan is achievable yet ambitious and, whilst promoting sustainable growth, vibrancy and a thriving economy, emphasises the inherent need for restoring and enhancing its environment by promoting a nature-rich, climate resilient and adaptable city.

Please find below our formal response;

Soundness

In accordance with Paragraph 36 of the NPPF, the soundness tests must be applied to an emerging plan. We consider the plan to be sound, and support it in relation to the first 3 tests – Positively prepared, Justified and Effective. However due to the incorporation of 2 allocated sites which are fully/partially within flood zone 3 and which are, at present not included in the SFRA2 and for one no practicable solution is evident, we consider this may bring into question the soundness of the Plan in relation to it being 'consistent with national policy' on this matter. Hamlin Lane (No. 60), and Belle Isle (No. 72) are both within Flood Zone 3a.

National policy states in Chapter 14 that '*para 170. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where 50 development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. para 171. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.*'

We consider that the adoption of these sites for residential, more vulnerable development, without their assessment through the SFRA and without a plausible solution option, renders these allocations not currently in accordance with National Guidance or the principles of sustainable development.

Mitigation:

In order to overcome this issue

Hamlin Lane – This will only need to discuss the site rather than any modelling/full site table. The site is partial FZ3a rather than all of it so given the new NPPF para 175, only needs to say that X % of the site will need to be able to convey the overland flood flows through the site (from Hamlin Lane to the watercourse) and may need to adjust the access road alignment/camber, a flow route of least 5m wide & 0.6m deep, and the site's edge along the watercourse will need to provide access for maintenance and fully consider erosion/flood levels.

Belle Island – Previous investigation of the site tried to arrive at a safe solution by proposed raising of the site, but that increased risk to third parties (Match Factory area) no safe solution has thus been demonstrated to the EA. The Exceptions Test can't be passed until a viable solution is identified as likely and deliverable. It is possible that further modelling could demonstrate that a proportion of the site may be able to be made safe without causing harm to third parties.

Comments for clarity/support:

The following table highlights specific policies, or wording in the Plan which we either wish to specifically support, would recommend a change to for clarity, or feel may need a correction. To reiterate these are comments and advice only and do not amount to any issues of soundness in our view:

Chapter/section	Para number/Policy	Comment
4 Spatial Strategy	Para 4.5	We support the specific reference to protection of the River Exe
	S1	We welcome the additional wording reference to 'Climate change adaptation and resilience' in the policy.
	Bullets 7, 8 and 12	Supported for reasons of Carbon reduction and flood risk resilience and adaptation
	Bullet 10 of S1	We welcome the wording regarding <i>enhancement</i> and <i>improvement</i> of biodiversity and the Exe ecology in this point.
	Bullet 15	We welcome this in reference to Waste water treatment works and sewerage infrastructure upgrades and assessment to ensure new development is sustainable and

		does not negatively impact this aspect of the environment
	Bullet 5 principle 3	Support this, as above with reference to the sewerage infrastructure required to support growth
	S2 - Bullet 1 of principle 4	We welcome this; <i>Be adaptable and resilient to the effects of climate change;</i>
5 Climate change		Support overall for this chapter and its strong references to flooding, resilience and adaptation and an acknowledgement of the 'unavoidable impacts of climate change'.
	5.9	Support the following sentence and ethos 'Green infrastructure, sustainable drainage systems (SuDS) and other nature-based solutions to flood risk also have an important role in climate change mitigation.' And then the translation of this into CC1
	5.32 bullet 2	Developments with large artificial and impermeable surfaces are discouraged – suggest 'large' removed and artificial and impermeable surfaces are discouraged in general to aid with Combined sewer issues etc.
	5.34	Only mentions precipitation as a consequence of CC, not the extreme nature i.e. storms or the increased sea level impacts on Exeter
	5.36	SuDS hierarchy welcomed including bullet 4 caveat re sewerage undertaker.
	5.44 water quality	We strongly support this paragraph and policy CC9
	CC8	Support this policy and its clear, strong wording.
	CC9	Pleased to see the water efficiency measures here and the inclusion of our recommendation regarding a reference to working with SWW and others on delivery of the DWMP and SOAP
6 Homes	H12	We would reiterate our previous comments about HMOs and the impact on the combined sewer network; We would urge that this policy H12 includes 'no net increase in discharge to any sewer/drain/watercourse' (or at the least a reference to developers having to consider the foul flows and minimise the impact through attenuation of

		the surface water on site where they both go to a combined sewer through soakaways, water butts, grey water recycling/rwh etc). HMOs have the potential to have a huge increase in flows to the sewer and thus cause CSOs if this isn't included.
9 Sustainable transport and communications	STC1 bullet f	We support the reference to 'significantly increasing provision for electric vehicles and enabling provision of mobility hubs' inline with our climate change remit
10 Natural Environment	NE1 c bullet 7	We support the inclusion of 'Managing flood risk and delivering other forms of climate resilience,' into this policy
	NE2 c and f	We welcome the inclusion of these.
	NE3	We are pleased to see the incorporation of our suggested wording here; 'protect, enhance, connect and restore biodiversity'
	Green Infrastructure 10.24	We welcome the reference to the LNRS here
	10.40	We support the urban tree canopy cover policy and the inclusion of the following reference in the pre-amble 'Existing trees should be retained where possible and the felling of existing healthy trees will need to be justified.'
11 History and Heritage	HH4	We support the inclusion of this specific policy
13 High Quality Places and Design	D1	We support the various references to climate, carbon and adaptation in reference to design in particular bullet b in policy D1
14 Health and Wellbeing	HW2	This needs correcting as it currently states developments will only be permitted where there WOULD be an unacceptable impact: 'Development proposals will only be permitted where, individually and cumulatively, taking account of proposed mitigation and remediation, there would be unacceptable impacts on:...''
	HW2 bullet a	We are pleased to see the removal of the word local from 'Environmental Quality' in line with our previous suggestion.
	HW2 last para	We would reiterate;

		We note the end of the policy says ...'made suitable for the proposed use..' however the concept that a site should be 'suitable for use' underlies the Environment Agency's approach to remediation of historic contamination. 'Suitable for use' means suitable for the environment as a whole, not just for use by people. Protecting groundwater and surface water may mean carrying out work on land affected by pollution over and above that required to make the land suitable for the proposed development and to protect human health. We would suggest altering this to say suitable for use and remove 'the proposed'.
15 Infrastructure	New cemeteries 15.42, 15.43	We are pleased to see this additional detail included as per our Reg 18 proposed wording.
16 Site Allocations		Bell Isle and Hamlin Lane are both partially within FZ3

Evidence Base

The following comments relate to suggested alterations and/or comments upon some of the evidence base documents;

2024 Infrastructure Delivery Plan

The dates referenced in the IDP for the 'Upgrade to Countess Wear sewage treatment works to serve wider area' are dated 2031-2036. Given these are deemed critical we consider it essential that this date in the IDP be revised to echo the South West Water Business Plan which states a delivery date of 2030 for this (rather than the 2031-2036 currently in the IDP)

Similarly the additional East of Exeter Sewage treatment works in East Devon is set out for a date of 2031-2041 in the IDP, however the SWW business plan states 'our new East of Exeter WWTW will be designed and delivered by 2035', so we strongly feel this too should be altered in the IDP to bring the date nearer for this critical infrastructure delivery.

SFRA 2

The consultation Level 2 SFRA provides a good assessment of the flood hazards for the selected sites and is in line with the NPPF and national guidance on producing SFRAs and addresses our previous comments on the draft report.

The report explains the flood hazards and required design requirement/impacts to make the site safe (without increase risk to third parties) for the selected sites, and should permit the LPA to carryout the Exception Test and make an informed decision. We would suggest that section (5.1.2) on flooding duration is still a little uncertain, and may be unclear to some readers, however if flood duration is better covered in the accompanying site table/maps that should be sufficient for all audiences to understand.

See comments above under 'Soundness' re Belle Isle and Hamin Lane.

Currently the site tables and maps are not included in the consultation, but we expect these shortly. These will be required to fully explain the flood risk issues for each potential allocation site, and the likely solutions/scale of impact on each development design and changes to existing buildings. The issues of Safe Access and Egress should also be covered with potential solutions suggested and linked to other ongoing technical projects.

ECC SFRA L2 Site Tables 210125

Only minor alteration/clarification comments on 5 allocations (East Gate, Marsh Barton, Exe Bride, Red Cow, Water Lane). As such these are to be sent under separate cover, not as part of the formal public consultation. This position and comments are subject to seeing the 'final' mapping.

Sustainability Appraisal

We appreciate the opportunity to follow up on our previous response regarding the Plan's performance against the sustainability appraisal objectives. We have no substantial comments on this matter. The sustainability appraisal rightly highlights the conflicts associated with proposed housing allocations near flood zones 2 and 3 in the city. It is expected that these housing allocations will reflect an overall negative impact when assessed against SA Objective 13. Ultimately, it will be the responsibility of the council to evaluate housing allocation applications in accordance with relevant policies designed to mitigate development risks in flood-prone areas, ensuring that any subsequent development is deemed sustainable. Given the limited alternatives for housing allocations, it is crucial to prioritise effective mitigation strategies, alongside securing financing and delivery for water infrastructure. These elements are vital for the successful implementation of the plan.

Additionally, we believe it is essential for the appraisal to consider the cumulative effects of further development in conjunction with climate change on the combined sewer network. We are confident that the Plan sufficiently addresses these impacts on water quality, thereby safeguarding amenity, ecology, and economic interests.

Further comments:

Thankyou for the opportunity to comment on this Plan. We consider there is still work to be undertaken on the evidence base in relation to some allocated sites and the SFRA2 to direct plan preparation to ensure the plan meets the tests of soundness in relation to flood risk but we consider this can be overcome. We will be pleased to continue to work with you on this.

Yours faithfully

Sustainable Places Team

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