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05/IS1-L01
Your ref:
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Dear Mr Dickins

**A new local plan for East Devon
Issues and Options Report, Sustainability Appraisal Scoping Report and Duty to
Cooperate**

Thank you for your consultations in respect of the issues and options report, sustainability appraisal (SA) scoping report and duty to cooperate for the emerging local plan for East Devon district.

General comments

We consider that it is essential that climate change mitigation and adaptation are central to the new Local Plan. Furthermore, when considering climate change adaptation and resilience the plan should look at the wider natural environment, not just be focussed on flooding and coastal erosion. It is also important that the plan helps to support and enhance the district's rivers and estuaries; focussing on more than just water quality.

Our comments and advice on the issues and options, SA scoping and duty to cooperate are set out below.

Issues and Options Report

Chapter 2 - Objectives, scope and background

We are supportive in principle of the plan's proposed objectives, not least Objective 1 (health and well-being), Objective 2 (climate emergency), Objective 8 (natural environment) and Objective 10 (infrastructure) (**Question1**).

With regard to Objective 2, we are pleased to see equal commitment to climate change mitigation and adaptation. It is important that all areas play their part in helping the World move towards achieving net-zero carbon emissions. However, a degree of climate change is now unavoidable so it is essential that local areas do all they can to

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ensure they adapt and are resilient to the impacts of climate change. This includes impacts such as flood risk, coastal change, habitats and water resources.

Whilst zero carbon at the district level will have little overall effect on global emissions, ensuring the district can adapt and is resilient to the inevitable impacts of climate change will make a big difference to long-term sustainability locally. For this reason the achievement of Objective 8 (To protect and enhance our outstanding natural environment and support an increase in biodiversity) is inextricably linked to the climate emergency objective.

The section on 'What East Devon is like now' (paragraph 2.3) notes the district's 'spectacular coastline, hills, and valleys' and 'stunning countryside'. However, this aesthetic beauty masks the degraded condition of the district's rivers. Paragraph 2.4 notes the importance of agriculture in East Devon and how it shapes the countryside without acknowledging the negative impact it also has on the district's environment. For example, the Axe Special Area of Conservation (SAC) is under pressure from agriculture, as well as physical land management and infrastructure. The River Otter's historic management results in instability that threatens infrastructure and communities (such as at Ottery St Mary, Cadhay Bridge and Newton Poppleford). This new Local Plan is therefore key to supporting the improvement of these rivers and assisting communities and infrastructure to adjust.

Chapter 3 - Designing for health and wellbeing

We are pleased to see that paragraph 3.5 recognises that access to the natural environment has benefits for mental and physical health and well-being. We consider the active promotion of health and well-being through the plan to be absolutely essential (**Question 4**).

Chapter 4 – Tackling the climate emergency

Despite the fact that Objective 2 refers equally to climate change mitigation and adaptation the discussion regarding 'Tackling the Climate Emergency' seems to be primarily concerned with reducing carbon emissions as a way to reduce climate change, not adaptation/resilience to the impacts. Indeed, the impacts of a changing climate are already being realised, not just in terms of extreme weather events but also on wildlife. It is essential, therefore, that the plan considers possible ways to adapt/be resilient to these changes such as providing bigger/better/connected habitats for the benefit of biodiversity and natural flood management (NFM) measures.

Adaptation of the Exe Estuary SPA and Ramsar site needs to be addressed within the Local Plan. However, coastal change adaptation also needs to be considered along the coastline (World Heritage Site), especially at Sidmouth, but also Seaton and Budleigh Salterton.

Increased risks of flooding will also increase the pressure on the river network, as such issues of instability of the River Otter are liable to intensify in the future, with the need for the local plan to support adaptation of infrastructure and communities.

Nevertheless, in respect of **Question 5** we would support option 1, that new development should be net-zero carbon from plan adoption.

With regard to 'maximising energy from renewable sources' we have no specific preference for the options set out in **Question 6** about the provision of solar arrays/farms and windfarms. However, it is worth noting that the present draft revisions to the National Planning Policy Framework (NPPF) propose adding solar arrays to wind

turbines as 'essential infrastructure' and therefore can be appropriate in areas at risk of flooding subject to satisfying the exception test.

A number of suggestions are made under 'additional carbon neutrality policy objectives'. Paragraph 4.8 6) suggests 'Encouraging tree planting which will help take large amounts of carbon dioxide out of the atmosphere' and promoting 'other land use changes to promote carbon removal or storage'. These suggestions are welcomed but could be widened to include the use of natural processes and resources which can provide Natural Flood Management within river catchments as well as carbon sequestration.

Whilst we support the statement in paragraph 4.8 7) that 'we will also need to mitigate or adapt to the impacts of climate change...', we consider that this is insufficient given the significant risks posed by climate change and the difference climate change adaption/resilience will make to long-term sustainability locally. Furthermore, properly adapting to climate change within communities at risk of flooding and coastal change could have significant consequences for urban design and street scene (e.g. finished floor levels, appropriate ground floor uses etc.) that need to be considered within the plan. Whilst this paragraph does reference 'environmentally sensitive drainage systems' which 'will also have wildlife benefits' we recommend that it is expanded to acknowledge the need to adapt to impacts of climate change on habitats and coastal change alongside flooding, noting the multi-functional benefits that could also be realised from NFM schemes, sustainable drainage systems (SuDS) and implementing coastal change management areas (CCMAs). These could include wildlife, water quality and recreational benefits.

For **Question 7** relating to carbon saving measures it should therefore also be noted that there are significant ecological restoration opportunities alongside carbon sequestration policies.

Chapter 7 - Promoting vibrant town centres

With regard to changes of use (**Question 15**) and in light of the recent changes to use classes and permitted development, it will be important for the Local Plan to consider whether changes from 'less vulnerable' uses to 'more vulnerable' uses such as residential can be appropriate in some areas at risk of flooding and therefore whether such proposals must be subject to the full planning application process rather than following the prior approval process.

Chapter 10 – Our outstanding natural environment

We note that this chapter appears to be dominated by discussion about landscape concerns and issues with little on biodiversity and none specifically on the water environment (rivers, estuaries and coastal waters). For example, the plan will need to consider the condition of the rivers as well as the presence of protected areas such as the Exe Estuary SPA and Ramsar site, Axe SAC/SSSI/MCZ or Otter Estuary MCZ. In respect of the River Axe we would assume the plan will carry forward the Axe Nutrient Management Plan requirements and work carried out thus far under the existing East Devon Local Plan.

It would be good for the plan to be aligned with the emerging statutory Local Nature Recovery (LNR) Strategies for Devon, Dorset and Somerset and with AONB Nature Recovery Plans.

Additional national environmental policy objectives that need to be considered in the new plan include:

- Supporting the delivery of the Axe SSSI River Restoration Plan.
- Supporting adaptation of infrastructure and communities to movement of the River Otter, and where possible support restoration of the river's natural function.
- Designation of a Coastal Change Management Area or equivalent to deliver adaptation of land use to support changes in the Exe Estuary SPA and Ramsar site in face of climate change, and also natural change at Dawlish Warren.
- Enabling naturalisation and connectivity for wildlife and natural processes along all watercourses.
- Embedding the Nature Recovery Network.

For **Question 20** we would support Option 1, to place significant restrictions on development in protected landscapes.

Paragraph 10.5, notes the recent changes that will require future development achieving a 10% net gain in biodiversity. Whilst we strongly support this requirement we recommend that plan consider whether a higher requirement (e.g. 20%) could be justified, especially in the most environmentally sensitive parts of the district.

Question 21 asks which option would be best to achieve biodiversity net gain. The most pragmatic approach would be Option 4 which would allow for better consideration of Lawton principles (more, bigger, better and joined) and recognise that on-site provision is not always possible or optimal. In some cases a mixture of on-site and off-site provision will be most appropriate.

We are supportive of the 'other natural environment policy objectives' set out in paragraph 10.8, especially 1), 2), 3), 6), 7), 8) and 9). With regard to 10.8 9) which addresses 'increasing coastal erosion', we fully support the designation of Coastal Change Management Areas and would advocate a clear policy on where existing uses should be relocated to. Nonetheless, we recommend that this objective should also refer more generally to sea level rise, and the consequences of more frequent inundation and coastal squeeze.

The plan could also explore opportunities created through green financing.

Chapter 11 - Promoting sustainable transport

It is important that the plan promotes sustainable transport infrastructure which is resilient to flooding and coastal change, thereby maximising their operational efficiency.

Chapter 12 - Infrastructure and facilities

Whilst there is reference to flood management infrastructure within paragraphs 12.1 and 12.2 we recommend that this chapter should include more specifically on flood and coastal risk management (FCRM) infrastructure. At present FCRM infrastructure is delivered through a partnership funding approach with the proportion of flood defence grant in aid available to a project depending on the number of houses protected, economic impacts and environmental benefits. In Devon and Cornwall this approach means there is often a significant funding gap which needs to be bridged to ensure the infrastructure can be delivered.

The additional policy objectives set out under paragraph 12.9 do include a question (3) about accessing more money to bridge infrastructure funding gaps. It will be particularly important to consider how this will fit with potential changes in funding such as the National Infrastructure Levy which will create a nationally competitive environment for infrastructure funding. Match funding from other Government departments can provide a route to gaining more funding if projects align with shared objectives.

These policy objectives could also consider green finance options, currently being explored through the Natural Environment Investment Readiness Fund to provide revenue from ecosystem services.

It would also be prudent to consider foul drainage infrastructure requirements.

Chapter 13 - Developing a strategy for the distribution of development

It is essential that the strategy for distributing development is informed (as is implied in paragraph 13.14) by environmental constraints and the capacity of the local environment to accommodate more development. For example, the strategy should recognise the importance and value of the Strategic Flood Risk Assessment process in influencing the distribution of development. The environmental condition of the district's rivers and their ability to accommodate more treated sewage effluent and other pollutants will also be an important issue. For this reason, in answer to **Question 28** option 4 (an alternative approach) is likely to be the most appropriate approach.

With regard to the plan period (paragraph 13.20) we would recommend that the plan does consider development beyond 2040. This is especially important in light of the significant challenges presented by climate change.

Sustainability Appraisal (SA) Scoping Report

We have the following observations in respect of the SA scoping report:

Figure 25 – We recommend this is expressed in more active form so that it is clear what exactly the SA is appraising. For example, the measures in the first column should be posed as questions (i.e. Will the policy/proposal... increase biodiversity? / ...reduce flooding? / ...improve water quality? ...reduce greenhouse gas emissions?).

In 3.13 the River Axe is noted in the report as supporting rare fish. It should be upland to lowland rivers supporting floating vegetation, as well as the rare fish (Bullhead, brook and sea lamprey).

We recommend that 3.20 should refer specifically to the district's rivers and their drainage networks as well as wildlife more generally.

Threats to biodiversity (3.22) should include historic legacy impacts to rivers, including from infrastructure, dredging, and land management. Urbanisation impacts include limitations on the space for rivers and estuaries to naturally adjust and adapt to change.

The section on Climate Change adaptation does not appear to consider the natural environment response to climate change, and the need to give it space and support to adapt. This is relevant to the likes of the Exe Estuary SPA/Ramsar, but also the non-designated River Otter.

With regard to Coastal Flooding and erosion (3.46), there is reference to the Exe Estuary Strategy. However, the SA should review the relevance of this and update policies where necessary. For instance the Exe Estuary Strategy proposed managed realignment at Clyst. This has now been dropped and mitigation for short to medium term impacts on the estuary are to be delivered in the Otter Estuary, which was not explicitly included within the Strategy (only in its statement of case for the IROPI case).

The local Plan needs to consider adequate measures are in place for the lifetime of developments proposed within the plan.

The section on Water Quality of East Devon (3.57-3.62) does consider the rivers of the district. However, it only does this through the focus of water quality, not the physical form and function of the rivers that are also under pressure and key to supporting biodiversity and landscape value throughout the district.

By example, 3.60 considers the relevance of phosphate on the River Axe SAC, but not the considerations of the River Axe Restoration Plan. Evidence bases such as the Axe and Otter Fluvial Audits are liable to be overlooked. Impacts of the River Otter on infrastructure, and fish passage connectivity along the River Sid should also be considered.

These issues also follow through to Section 5 (defining sustainability objectives). For example, with regard to climate change there needs to be more than consideration of just flooding and coastal risks. Heat, drought and storm extremes will all stress both the natural and built environments.

Figure 30 (Local plans, policies and programmes) should refer to the River Axe Restoration Plan whilst the reference to River Basin Management Plan is out of date and should refer to the 2015 plan.

Duty to Cooperate

The key issues to raise here is the fact that the boundary of East Devon District does not align with fluvial catchment boundaries and therefore cross boundary issues will have an impact upon the water environment and flood hydrology. The following list provides a summary:

- The Lym catchment is split between East Devon and West Dorset.
- The Upper Axe catchment originates in West Dorset and South Somerset.
- A small area of the Upper Otter catchment is situated within Taunton Deane.
- Small areas of the Upper Culm catchment are within East Devon, prior to draining into Mid Devon.
- East Devon encompasses an area of the Middle Exe between Silverton and Exeter, which will be influenced by the upstream catchment draining from Mid Devon.
- The designated Exe Estuary borders the west of East Devon.

Similarly biodiversity does not obey political and administrative boundaries. Therefore work with these local authorities and other stakeholders in these areas will be essential.

Influencing development and land management in upstream areas of East Devon's rivers can help to reduce adverse impacts on water quality (most importantly reducing Phosphate [organic and artificial] and silt inputs) and flooding. This is especially relevant for the River Axe, where it would be beneficial to reference the River Axe Restoration Plan and 'Triple Axe' Partnership Project to protect/enhance the River Axe SAC/SSSI and ultimately the Axe Estuary MCZ. This is also perhaps the most significant upstream influence for the area where opportunities for NFM will be available.

We would also recommend alignment with the emerging statutory LNR Strategies for Devon, Dorset and Somerset, the AONB Nature Recovery Plans, and both the Connecting the Culm and Crystal Clear Clyst projects.

Yours sincerely

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