

LINDA RENSHAW/MATTHEW DICKINS -  
PLANNING POLICY  
EAST DEVON DISTRICT COUNCIL  
BORDER ROAD  
HEATHPARK INDUSTRIAL ESTATE  
HONITON  
EX14 1EJ

OUR REF: DC/2021/122149/CS-01/SB4-L01

DATE: 11 APRIL 2025

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Dear Ms Renshaw and Mr Dickins,

**Re: Emerging new East Devon Local Plan 2020-2040  
Regulation 19 Publication Draft February 2025**

Thank you for your email of 13<sup>th</sup> February 2025 providing us with the opportunity to comment on this Regulation 19 stage draft of the East Devon Local Plan.

Content of the response:

- 1. Soundness**
- 2. General Observations**
- 3. Sustainability Appraisal**
- 4. Strategic Flood Risk Assessment (SFRA) Level 2**
- 5. Water Quality/Resource and Housing**
- 6. Infrastructure Delivery Plan**
- 7. Policies**
- 8. Development Site Allocations**
- 9. Way Forward**

Please contact us at [REDACTED] to discuss this response.

**1. Soundness**

In accordance with Paragraph 36 of the NPPF, plans are only considered 'sound' if they meet all four elements of the tests of soundness. We consider the plan satisfies the 'positively prepared' and 'effective' elements of the NPPF's tests of soundness. However, due to the incorporation of five allocated sites affected by sources of flooding which are not included in the level 2 SFRA, and in the absence of the Water Cycle Study which is a key evidence base document for the strategic delivery of growth in East Devon, we consider that this brings into question the soundness of the plan in relation to it being 'consistent with national policy' and 'justified', respectively, on these matters and whether these sites (and therefore the plan) can deliver the type and quantum of development currently proposed.

National policy states in Chapter 14 in paragraph 170 states: "*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 development is necessary in such areas, the development should be made*

*safe for its lifetime without increasing flood risk elsewhere.” and paragraph 171 states: “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 are mindful that your authority intends to publish the Water Cycle Study, marked ‘to follow’ on your website. As you will be aware, the study uses data and evidence to understand environmental and infrastructure capacity issues and opportunities to identify the delivery of integrated cost - effective solutions. There is more detail on these two pieces of evidence below in sections 4 and 5.

## **2. General Observations**

We note that many of the policies have been substantially re-written between the Reg 18 consultation and this Reg 19 consultation. As a general observation, the policies include a lot of text which we would normally expect to be in the supporting text sections, as opposed to the policy itself. There are times where extra explanation is required for clarity which we support. However, we have considered how these policies may be applied by planning officers and in some cases, the text-heavy policies may lead to the key messages/requirement of the policies becoming diluted.

There are a number of policies within the draft whose ambition and strength of wording is somewhat diluted by the inclusion of caveats to policy adherence based on viability. Examples are CC06, CC05, CC02, PB05, HN02, HN03, HN05. Particularly in the case of the first 4 whose ambitions and targets we wholly support, we would advise that rather than highlighting the method by which this policy can be avoided, a single viability policy be included towards the end of the Local Plan covering this point in one place. This allows for the viability case to be made, by exception, whilst strengthening the wording and commitment to those policies by removal of this slightly undermining viability case from the text itself.

For example, the Local Plan could include wording along the lines of: *‘The LPA will require robust viability evidence to be submitted where a developer contends that infrastructure requirements, building standards sought, planning obligations, including for affordable housing, or environmental gains would make a proposal economically unviable. In determining whether or not to grant planning permission, the LPA will have regard to the overall economic, social and environmental benefits of the development and whether, on balance, some relaxation of planning obligations/requirements is justified.’*

## **3. Sustainability Appraisal**

Overall, the Sustainability Appraisal (SA) provides a thorough assessment of the plan’s environmental, social, and economic implications, and we welcome its generally positive findings. However, we urge further consideration of several key issues to strengthen the Plan’s alignment with sustainability objectives.

### Balancing Development and Sustainability

While the SA acknowledges the challenges of reconciling growth with environmental protection, we agree that many negative impacts can be mitigated through robust policy wording, embedded environmental enhancements, and well-designed green/blue corridors and connected ecological

networks. However, where adverse effects are identified—particularly regarding biodiversity, water management, and climate resilience—we recommend explicit policy expansions or additions to ensure mandatory mitigation, compensation, or avoidance measures.

#### Biodiversity and Habitat Protection

The SA rightly highlights risks of habitat loss, species disturbance, and severance due to development, particularly on greenfield sites. To address this, policies must unambiguously enforce the mitigation hierarchy and Biodiversity Net Gain (BNG) requirements, ensuring development:

- Protects and incorporates existing habitats,
- Actively expands ecological networks through green corridors, sustainable land-use practices, and habitat restoration,
- Proceeds only where mitigation strategies demonstrably offset residual harm.

We strongly advocate for site-specific biodiversity evaluations to be conditional on approved mitigation plans, with a focus on enhancing degraded areas through green infrastructure.

#### Water Quality and Infrastructure

The SA's limited focus on water quality, sewage capacity, and flood risk is concerning and we refer you to sections 1, 4 and 5 of this letter for related comments. A catchment-based approach to water management should be prioritised, with policies that:

- Require proof of sewage infrastructure adequacy prior to development approval (i.e. written confirmation from the water undertaker that confirms the adequacy of sewage infrastructure prior to development),
- Mandate sustainable drainage systems (SuDS), rainwater harvesting, and greywater recycling,
- Address flood risk through resilient design and strategic planning.

Given the SA's note of uncertainty around sewage treatment capacity, policies must explicitly tie development phasing to infrastructure delivery to prevent negative impacts on controlled waters resources.

#### Climate Change and Emissions Reduction

We support the SA's emphasis on low-carbon development, energy efficiency, and sustainable transport. Policies should:

- Exceed minimum standards for renewable energy and carbon-neutral construction,
- Prioritise walking, cycling, and public transport to reduce reliance on private vehicles,
- Integrate climate adaptation measures (e.g., green roofs, flood-resilient design) into all developments.

#### Holistic Policy Benefits

While minor negative impacts of growth are noted, the SA rightly underscores the broader positive outcomes—environmental, economic, and social—that well-designed policies can deliver. These co-benefits should be central to decision-making, ensuring net gains for sustainability.

#### Future Recommendations

To enhance the SA's effectiveness, we suggest:

- Regular monitoring of policy implementation, with adaptive management to address emerging challenges.
- Clearer linkages between SA findings and policy drafting to ensure mitigation is enforceable.

In summary, we encourage your authority to refine policies to explicitly address biodiversity, water, and climate risks while capitalising on the SA's positive framework. By doing so, the Local Plan can achieve truly sustainable development for East Devon.

#### 4. Level 2 Strategic Flood Risk Assessment (SFRA)

We welcomed the opportunity to engage with you on the preparation of the Level 2 SFRA evidence base. However, there are still five sites that require Level 2 SFRA and as highlighted above, we consider that without such assessment, at present, we consider the plan unsound. We will provide comments on these sites (Brcl\_26/WS11, Clge\_25a/WS15, Clho\_09/WS07, GH/ED/72a and Whim\_08,) once work has been completed. Comments on other SFRA L2 sites are outlined below:

- Axmi\_17 (Appendix H): Under 'Exception Test' there is a statement about passing part B of the exception test. It would be more accurate to say that the SFRA L2 has demonstrated that it **could** be possible [to pass part B of the exception test] **subject to detailed layout of the site.**
- Whim\_11 (Appendix Q) We support the approach set out in the 'key messages' section in the Detailed Site Summary Table: *"Should development be proposed within areas at risk detailed flood modelling should be undertaken within a site-specific FRA. Any development within Flood Zone 3 should be allocated as an undeveloped open space corridor, and not as gardens, car parking or other features associated with individual plots."* However, the second sentence should read *"Any development within Flood Zone 3 **must** be allocated as an undeveloped open space corridor..."*. It would be preferable for this requirement to be built into the policy itself, as with SD09.

#### 5. Water Quality, Water Resource and Housing

We recognise that your authority has incorporated the recent increase in housing numbers into the draft plan. This results in increased pressures in different wastewater treatment catchments. We acknowledge that SWW are working to produce the Cycle 2 Drainage and Wastewater Management Plans (DWMP) which will be an important evidence base for the Water Cycle Study (WCS). However, the timing of these plans does not align with emerging local plan. Therefore, it is essential that your authority liaise with/discusses with South West Water about what the implications of the increased housing numbers will have on their investment planning. The WCS will need to provide the evidence base and demonstrate that the additional growth and distribution strategy proposed in the emerging local plan will be aligned to water company investment planning, and not result in adverse impacts on the water environment.

The WCS should carefully consider the implications of increased development on the status (including water resource) and quality of waterbodies in the district. We highlight that the WCS should consider the additional implications for the sewerage network with regard to the impact on combined sewer overflows (CSOs). We provided detailed information on the current condition of the water environment at the regulation 18 stage of the plan which should be fed into the WCS also.

Please note we have responded to policy AR02 specifically in the table below also.

#### 6. Infrastructure Delivery Plan

The introduction sets out the benefits of infrastructure to communities and the risk of development being suboptimal if the necessary supporting infrastructure is not provided. We would recommend this introduction also includes a reference to the potential environmental harm of not providing necessary infrastructure alongside growth.

## Utilities Projects

UTI – 1 to UTI – 5: All infrastructure is required to serve proposed growth; however, the method of funding is cited as the ‘new connection Infrastructure Charge’ from developers. This infrastructure needs to be provided alongside the growth and should not be delivered retrospectively following connection of new homes if this growth is to be sustainable. Forward funding of this infrastructure may be needed.

UTI-5 Countess wear 2029-2035: This is also referenced in Exeter City Council’s IDP which was recently at Reg 19 consultation stage, and the recent South West Water Business Plan. The dates referenced in the IDP for the ‘Investment at Countess Wear’ to accommodate growth are dated 2030-2035. Given these are deemed priority 1 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 2030-2035 currently in the EDDC IDP).

UTI – 6 New East of Exeter Waste water treatment works: This is also referenced in the recent Reg 19 Exeter City consultation IDP and recent South West Water Business Plan. This additional East of Exeter Sewage treatment works in East Devon is programmed for a date of 2030-2035 in the IDP. The SWW business plan states ‘our new East of Exeter WWTW will be designed and delivered by 2035’, so we welcome the alignment of this infrastructure in the IDP with the SWW Business plan as it is critical this is delivered alongside, not following, the housing growth it will serve.

## 7. Policies

Policy	Comments
SP01: Spatial strategy	We welcome the justification in para 3.2 that the local plan promotes sustainable development which is aligned with the need for infrastructure.
SP02: Levels of future housing development	The housing numbers, while we appreciate have been updated are not specific e.g. ‘at least’ and ‘around’ are used. Where possible, we would suggest using the specific numbers for clarity.
SP07: Delivery of infrastructure	<p>We have concerns that this policy lacks clarity and may cause confusion amongst applicants/developers. The requirement of point A of the policy should, in theory apply to only windfall development and the expectation is that the LPA has already undertaken this assessment of infrastructure requirements for the allocated development sites through the evidence base, in particular the Infrastructure Delivery Plan. We would therefore suggest that point A reads:</p> <p><i>“Where not already identified in a development allocation policy, applications will be required to assess the infrastructure requirements arising from their development.”</i></p> <p>Further, point E requires applications to simply ‘consider’ the long-term maintenance and management of new infrastructure. This wording fails to require applicants to ensure that provision. As such, we would suggest point E is reworded as follows:</p> <p><i>“Applications will be required to: E. Include a mechanism for the long-term maintenance and management of new infrastructure”.</i></p> <p>This wording better ensures the applicant undertakes the ‘consideration’ of the matter as well as setting out exactly how that may happen- e.g. adoption by a third party/undertaker, or developer-led maintenance which can be secured in a plan/strategy document.</p>

	<p>In SP08 (comments directly below), the third paragraph of the policy states “Services must be built to regulatory standards and details of appropriate mechanisms for in perpetuity management and maintenance, with adoption by a regulatory body being the preference, will be subject to the agreement of the local planning authority.”. This wording is entirely appropriate for policy SP07 as well.</p>
<p>SP08: Phased delivery of infrastructure and services</p>	<p>From our experience, it is imperative to ensure that the wording of this policy does not leave scope for unfinished/disjointed infrastructure regardless of original land ownership or sequencing problems. Therefore, we consider that the wording in the first paragraph of ‘up to the boundaries’ should be changed in both sentences to <b>“go up to the boundary and align with infrastructure on neighbouring parcels/ sites...”</b>.</p> <p>We support the wording “Services must be built to regulatory standards and details of appropriate mechanisms for in perpetuity management and maintenance, with adoption by a regulatory body being the preference, will be subject to the agreement of the local planning authority”. And that a masterplan or phasing plan will be secured also. We also think the justification paragraph 3.49 is suitably specific in wording and it is positive to highlight both above and below ground infrastructure.</p>
<p>WS01: Development of a second new community east of Exeter</p>	<p>Para 5.6 suggests that this would be a ‘zero-carbon’ town. Does this mean net-zero i.e. the construction phase carbon use will be offset as well as materials etc.? Clarity is recommended on this matter.</p> <p>We are glad to see that the policy specifically refers to the associated infrastructure and infrastructure capacity, including the reference to green and blue infrastructure.</p> <p>However, the ‘Wastewater Treatment Works’ section of the policy could be stronger. The first sentence should read:  <b>“The development <i>must</i> include a new wastewater treatment works to ensure capacity is available to support the development programme...”</b></p> <p>In para 4.7, we note that the development will ensure a wide range of services and facilities supported by substantial infrastructure provision. For clarity, it would be worth amending the last sentence of para 4.7 to the following:  <b>“Alongside housing delivery, key facilities including a secondary school will be planned and built to service the new community and surrounding areas”</b></p> <p>The timing/phasing of works will be a key consideration for the new town. The infrastructure, which is needed must align with the phasing, so that even as the town is being built, the completed parcels are served by adequate infrastructure, and not reliant on separate parcels/ adjacent sites. This is where the allocation-wide masterplan and the allocation-wide infrastructure delivery strategy will be valuable. There may be options to use Grampian conditions for development proposals to ensure no construction/occupation of certain units until the sewerage infrastructure is operational.</p>
<p>CC01: Mitigating Climate Change</p>	<p>We fully support the approach to have separate chapters for mitigation and adaptation to climate change.</p>

	<p>CC01A should read “Contributing to net-zero development” or “Delivering net-zero development”. The current wording of “supporting movement” doesn’t conjure clarity on how this would be done.</p> <p>The paragraph under points A and B also lacks clarity. The wording ‘significant emissions’ fails to specify whether that’s the development generating emissions, or that the development may have high energy consumption. Significant emissions may be more thought of for heavy industry, but of course the construction of any development will entail energy consumption, and with that, emissions. Both should be considered and therefore suggest that the wording states: “Any development that by the nature of development design or subsequent operations will generate significant emissions <b>and/or significant energy usage</b> will need clear justification...”.</p> <p>Please see <b>attached</b> Environment Agency signposting for LPAs regarding climate change which may be helpful and includes links to a number of evidence documents you may wish to consider including to further fortify your evidence base.</p> <p>This chapter should also promote that adapting should also include 'providing space for nature to adapt', including ensuring that BNG is adaptable to climate change over time.</p>
<p>CC02: Net-zero carbon development</p>	<p>This policy focuses on the carbon footprints of the buildings going forward once in use but makes no mention of the construction materials and methodology itself? The embodied carbon policy will only apply to new developments where there are buildings already on site so for any greenfield developments, only CC02 applies in this regard and omits the carbon of construction.</p>
<p>CC03: Promoting low carbon and renewable energy</p>	<p>We are concerned that this policy fails to mention anything about controlled waters in terms of the sensitive receptors which may be impacted by the local environment, especially because geothermal and hydro (electric power) development are mentioned in para 6.6.</p> <p>Point A of the policy should read:  “There are no significant adverse impacts on <b>the environment</b> that cannot be satisfactorily mitigated, including individual and cumulative landscape and visual impacts, as well as the character of wider historic townscapes, landscapes and seascapes; protected species, <b>controlled waters/the water environment</b> and sites of ecological/geological importance;”</p> <p>This would not only capture risks to groundwater, and rivers and streams, but also the consideration of flood risks on site which are mapped as flood zone.</p> <p>The policy refers to defined areas which may be suitable for wind energy development. There can be issues with pollution to groundwater associated with wind farm developments. A quick screening of each site (on the interactive map) shows the following aquifers at each location:</p> <ul style="list-style-type: none"> <li>• Higher Mallocks - Secondary A and B aquifers,</li> </ul>

	<ul style="list-style-type: none"> <li>• Woodbury - Secondary A and B aquifers,</li> <li>• Woodbury Salterton - Secondary undifferentiated and secondary B,</li> <li>• Poltimore sites - Secondary A, Principal aquifer (major vulnerability),</li> <li>• Moxley’s Copse - Secondary A,</li> <li>• Sprydon Cottages area - Secondary A,</li> <li>• Paradise Copse- Secondary A and in a Source protection Zone,</li> <li>• Wimple- Secondary A and Secondary B,</li> <li>• Buckerell - Source Protection Zone and Secondary B aquifer,</li> <li>• South of Broadhembury - Secondary B, secondary (undifferentiated), source protection zone,</li> <li>• West of Broadhembury - Source Protection Sone, Secondary B,</li> <li>• North of Beer - Principal aquifer,</li> <li>• West of Colyford - Principal and unproductive,</li> <li>• Hawkchurch - Secondary (undifferentiated) and unproductive aquifer,</li> <li>• Chardstock - Principal.</li> </ul> <p>In light of the sensitive receptors present, some of these sites may be unsuitable for wind energy development.</p>
CC04: Energy storage	<p>Policy CC04 paragraph one needs to be linked to, and caveated by, paragraph 2. As currently within the policy wording at paragraph 1 it simply says: ‘planning permission will be granted’.</p> <p>CC04 Para 6.10 we welcome the advice regarding fire safety and BESS, but would ask that the supporting information emphasises the need for environmental protection of the ground and controlled waters must be built into the scheme in order to contain any on-site water resulting from fire control. This is alluded to within the National Fire Chiefs Council Guidance but is not strong enough.</p>
CC05: Heat networks	<p>We suggest for sentence one and two that, ‘should’ be replaced by ‘<b>will</b>’ or ‘<b>must</b>’ be provided/submitted.</p>
CC06: Embodied Carbon	<p>This policy no longer requires the demonstration for the full lifecycle of carbon emissions to be net-zero which feels like a step backwards, especially following the outcome of the Finch v Surrey County Council <a href="#">ruling</a>.</p>
AR01: Flooding	<p>Para 7.2 requires more clarity:  “Developers are <b>strongly</b> encouraged to consult with [EDDC, DCC, EA and SWW] early in the planning process to address flood risks, <b>through writing</b> site-specific Flood Risk Assessment (FRAs) and <b>proposing</b> appropriate mitigation measures.”</p> <p>The policy itself needs to be stronger:  “All development <b>must</b> minimise the impact and mitigate the likely effects of climate change...”</p> <p>Under AR01 A- some clarity may be needed (or justification in the para 7.3) around the requirement for establishing sequentially preferable locations. The wording of “requiring development proposed in flood risk location...to demonstrate” fails to outline who has the responsibility to undertake the assessment.</p>

	<p>Section AR01 B: This part of the policy describes the buffer of 5 metres from edge of FZ2 to require assessment of risk over lifetime of development seeks to future-proof development proposals which is supported. We would point out however, that the approach set out would require screening at validation stage to establish when the additional assessment is required, and that this would not necessarily mean that we are a consultee (see <a href="#">here</a> for clarity on when to consult the EA).</p> <p>The national flood risk standing advice must be used for applications that do not require a bespoke response from the EA. These sorts of applications may also be subject to the Sequential test, and this would not have been picked up prior to this approach. It is worth noting that in some cases, flood modelling will be required to deliver an adequate Flood Risk Assessment, as the NPPF and PPG outlines.</p> <p>We can work with your authority to create specific guidance, or training on this matter, to aid in establish suitable process, and guidance for determining officers.</p> <p>Under point AR01 C- the second sentence should read “<b>Systems should reduce pollution risks and contribute to the conservation and enhancement of biodiversity, water quality and green infrastructure where practicable</b>” The last sentence regarding CDAs should read: “Within Critical Drainage Areas, SuDS should result in a reduction of existing runoff rates and <b>comply with most up-to-date guidance on managing runoff</b>”.</p> <p>We support point D of the policy. We suggest that point E also includes car parks as well.</p> <p>Section AR01 F should read: “Where appropriate, the opportunity for Natural Flood Management in rural areas, SuDS retrofit in urban areas and river restoration should be maximised. Culverting <b>will be opposed in all circumstances except for essential access reasons</b>, and day-lighting existing culverts <b>will be promoted</b> through new developments”.</p> <p>This policy refers to the SFRA level 2 and states that the SFRA has shown that ‘some catchments are at a high risk of cumulative flooding’ and that ‘in these areas, proposals should help to reduce flood risk overall. In the early part of the policy, it states that reducing flood risk will only be sought ‘where possible’. The previous quote suggests that this will be a requirement only in some catchments. It may be more ambitious for the policy to require a reduction in flood risk on all development sites. Also, development proposals should reduce flood risk overall, not ‘help to’ reduce it overall.</p> <p>Note- a Level 2 SFRA will be essential for the new town allocation.</p>
AR02: Water Efficiency	Water Quality - We are disappointed to see that our comments on water quality within our Reg 18 response of the 15/1/23, have not been incorporated into the current Reg 19 draft. We included reference to water

quality and water resource pressures and included baseline data around water quality. We also note that the only previous reference in Reg 18 to Water Quality (para 7.35) relied upon the evidence of the commissioned Water cycle study to inform the emerging policies, however this study is not yet part of the evidence base. As such we consider that the Plan is currently lacking a fundamental stance and policy on water quality, particularly given the water incidents of the last year, the increase in housing requirement and the number of sensitive water receptors and designations in EDDC. The Plan is not reflecting the Water Environment Framework, Government Plan for Water, or NPPF advice that opportunities should be taken to improve water quality where possible and *'preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;'* (Para 187e).

Additionally, issues around Combined Sewer Overflows (CSOs) are also exacerbated by climate change and this policy should recognise this as a specific issue, and an issue for climate change adaptation.

Water efficiency - We welcome the individual policy now included in relation to water efficiency, however in the absence of a finalised Water cycle study as part of your evidence base to inform the Reg 19 policies, we would advise that you include the EA and SWW joint paper on Water Resources **attached** as evidence to support this policy. This document currently forms part of the Exeter Local Plan Reg 19 evidence base for the same purpose.

[Plan for Water: our integrated plan for delivering clean and plentiful water - GOV.UK](#)  
[The Water Environment \(Water Framework Directive\) \(England and Wales\) Regulations 2017](#)  
[National Planning Policy Framework](#)

In addition, whilst we welcome AR02 and the targets on domestic water efficiency, a large amount of the water usage by this area is for the purposes of Agriculture and we would strongly encourage the policies to promote water efficiency in agriculture too. The Water Efficiency evidence document **attached** also provides evidence to justify such a stance.

As there is no specific policy on farm buildings or new buildings in the countryside, we would advise that policy AR02 be extended to say something akin to:

**'In addition, new agricultural and commercial buildings will be expected to demonstrate that consideration has been given to water efficiency measures and these have been included wherever possible.'**

Supporting text could say something along the lines of **'particular consideration should be given to the inclusion of water collection and storage alongside agricultural developments where water usage is high such as watering cattle in order to reduce demand on scarce potable water**

	<b>supplies and make growing businesses more resilient to climate change and drought’.</b>
AR03: CCMA's	<p>Para 7.8 states that this data will be considered before finalising the plan for submission.</p> <p>With reference to section 5 of the Topic Paper – CCF-005 Adaptation and Resilience to Climate Change: Coastal Change, we are pleased to see an acknowledgement that there is a difference in evidence bases between NCERM2 and the Coastal Marine Applied Research/Plymouth Uni Methodology report (CCF-006) in some areas.</p> <p>We have considered this in detail and our view is that to designate the CCMA's without the NCERM evidence would leave the CCMA's more open to challenge. As such, our advice would be to follow the option as set out in your paragraph 5.4 of topic paper CCF-005 and would take a precautionary approach, ensuring that the CCMA follows the most landward extent of either of the evidence bases, which would be robust.</p>
AR04: Relocation of uses affected by coastal change	We strongly support this policy. We would reiterate that ideally, the plan would allocate land for the provision of development which has been relocated inland. However, we note that the policy justification seeks to provide flexibility in the way it has been written.
AR05: Development affecting coastal erosion	<p>We find the first paragraph of the policy to be unclear. We would suggest the following wording:</p> <p>“Where compatible with the most up-to-date coastal policy (as expressed in the SMP or a strategy such as a beach management plan), the council will <b>support</b> proposals for sustainable coastal change management such as improvements to coastal defences or managed realignment. <b>Careful consideration of adverse economic, social or environmental impact, including visual impact on protected landscapes.</b></p> <p>This revised wording identifies that the council will undertake the planning balance as with any proposal. The current wording may suggest that any coastal defence/realignment scheme would be found unacceptable due to the likely significant visual impact.</p>
SE10: Sustainable tourism	This policy requires several key details and requirements but fails to mention flood risks and management of wastewater, which would contribute to the overall sustainability of the proposals.
Chapter 10	It is disappointing that paragraph 10.4 has had the reference to climate change resilience and green infrastructure removed. These are both important factors which can contribute to high quality design, and benefit residents and users when places are designed with climate change in mind.
DS01: Design and local distinctiveness	Point C of this policy could refer to the natural environment (pollution, flood risks, biodiversity) as one of the factors which should not be adversely affected.
DS04: Green and blue Infrastructure	We are supportive of this standalone policy on both green and blue infrastructure and that it sets out the multifunctional benefits of good blue and green infrastructure, including climate adaptation and resilience.
OL01: Landscape features	There is no specific reference to rivers, watercourses or waterbodies (e.g. bathing waters) in this policy which feels like a missed opportunity.

	Paragraph 12.4 refers to maintaining sustainable agricultural land practices which is positive. In some cases, establishing the sustainable practices is also needed.
OL03: Coastal Preservation Areas	There is still no link between this policy and the CCMA policy which would provide clarity to DM officers, especially when managing development relocating out of the CCMA's.
OL05: Green Wedges	This policy has been streamlined significantly from Reg 18 stage, and through that there has been a loss of reference to climate change and flood storage which demonstrate the multi-benefits of green wedges and justifies further the need to protect them.
OL09: Control of pollution	We are supportive of the requirement for CEMPs on proposals/activities which have the potential to cause pollution. What is not clear is whether there is a process for requiring the CEMPs to be submitted at the time of the application, or as a condition.
PB01: Protection of internationally and nationally important wildlife sites	<p>The first sentence of this policy is a little confusing. We would suggest the following instead:          "The highest protection must be afforded to first, internationally, and then, nationally designated wildlife sites (in that order)."</p> <p>PB01 C- it is important that adequate justification is required from applicants as to why first avoiding, then mitigating is not possible and only at that point, should compensation be considered suitable.</p> <p>PB01 D- this section should read:          "Where permanent or long-term temporary habitat loss or direct reduction of habitat condition is identified, bespoke compensation measures will need to be <b>secured</b>. This must be undertaken as early as possible and include utilisation of the Discretionary Advice Service from Natural England; ...".          Simply agreeing the compensation is not adequate, this need to be secured by a suitable planning mechanism.</p> <p>This policy lists the 'internationally designated sites falling under this aspect of the policy' which includes "Areas secured as compensation for damage to an internationally or nationally designated site." It is still not clear how broad this means and whether this incorporates the Clyst Valley Regional Park because it is an identified SANGS?</p>
PB02: Protection of regionally and locally important wildlife sites	We support section C of this policy.
PB03: Irreplaceable habitats	<p>This policy fails to incorporate a whole range of important habitats and focus only on terrestrial/agricultural type features. The following should be included:</p> <ul style="list-style-type: none"> <li>-intertidal mudflats</li> <li>-rivers and streams</li> <li>-estuarine habitats</li> <li>-coastal and floodplain grazing marsh</li> <li>-broadleaf mixed and yew woodland</li> <li>-traditional orchards</li> <li>-lowland heathland</li> <li>-maritime slopes and cliffs</li> </ul>

PB04: Habitats Regulations Assessment	<p>Whilst we will defer to Natural England's (NE) position on the majority of this policy we wish to comment in regards to nutrient neutrality. There is a shift in the management of nutrient mitigation proposed through the plan, compared to the existing requirements. We do have a role in nutrient neutrality but insofar as we are contributing to NE's aims and therefore, we will continue to support NE and your authority moving forward as this matter progresses.</p>
PB05: BNG	<p>We support his ambitious policy to require 20% BNG. It is also good to have the reference to habitat banks in paragraph 13.25. The 20% BNG may be more difficult in practice to deliver, especially given increased housing targets, so we might suggest a closer link between PB05 and PB06 (directly below).</p>
PB06: LNRS and NRN	<p>In paragraph 13.27 the paragraph refers to 'improving areas for wildlife and creating green links between habitats'. We suggest there is no need to the distinction of 'green' links because these could well be blue links. We suggest removing the word 'green' from the sentence. Also, this paragraph may be a suitable place to highlight the importance of ensuring that nature can adapt to climate change consistent with the LNRS.</p> <p>This policy refers to NRNs (Nature Recovery Networks) several times, but in the fourth line of the first paragraph of the policy itself, the acronym NNRS is used. This may be a typo or requires further explanation.</p> <p>The third paragraph of the policy lacks clarity, and we consider it to be far too broad, with too much scope for developers to justify not delivering sufficient environmental enhancement. We would instead suggest something along the lines of:</p> <p><i>"Where a proposal is indicating that it will contribute to a strategic BNG solution that is in line with the LNRS this will be seen as preferable to on-site delivery."</i></p> <p>Finding and delivering workable and effective solutions to deliver BNG go somewhat hand-in-hand with LNRS and NRNs. In cases of urban development, off-site BNG would be preferable and more effective, so the weighting for BNG in the matrix could be altered to deliver this result. Therefore, we don't see the need for the policy to say that 'the expectation will be for these [BNG contributions] to be located inside, adjacent to or otherwise contribute to the overall NRN...'</p>
PB07: Ecological enhancement and biodiversity in the built environment	<p>It would be worth clarifying whether applications for changes of use are expected to comply with the requirements of this policy.</p>
PB08: Tree, hedges and woodland on development sites	<p>This policy refers to habitat connectivity which we support. However, the policy wording is weak where it states '... protected assets will need to be incorporated into the overall design and landscape scheme, within public spaces <u>where possible</u>'. It would be stronger to remove 'where possible' from that sentence, to require developers to design development around existing constraints.</p> <p>We welcome the reference to the Right Tree Right Place Guidance in this policy.</p>

HE01: Historic environment	<p>There may be cases where the historic environments, conservation areas and listed buildings are also located within flood zones and/or the reach of tidal activity. In light of the impacts of current and future climate change over the time period of the local plan, it is important that there is flexibility in the policies of chapter 15 so that flood and climate change resilience measures can be retrofitted to existing designated or non-designated heritage assets to protect both the asset and its occupiers/use. Currently the chapter does not make reference to climate change or flooding. Whilst these matters are covered by other policies, we do not want there to be a conflict between conserving historic environment/assets and ensuring the safety of occupants when development management decisions are made. We have signposted other authorities to Historic England’s Flooding and Historic Buildings guidance 2015:</p> <p><a href="#">Flooding and Historic Buildings   Historic England</a></p>
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## 8. Development Site Allocations

(\*WS01: Development of a second new community east of Exeter is in the table above)

WS06: Employment land east of airport	<p>This policy prescribes several actions/ needs for an application to come forward on this site. A solution for foul drainage will need to be identified and delivered at this location. At present the site is not connected to a mains sewer network.</p>
WS07: Employment Land North of the airport adjoining Tresbeare	<p>For clarity, the sentence regarding flood risks should be changed to reflect the principles of the sequential test. We suggest the following wording:</p> <p><i>“If development, including the cycle and pedestrian accesses cannot be designed to avoid the area mapped as having a risk of flooding, a site-specific Flood Risk Assessment will be required.”</i></p> <p>Given that this is a key constraint of the site, we would suggest that the ‘justification for plan policy’ paragraphs include flood risk and the need to take a sequential approach to the layout of the proposal.</p>
WS08: Employment land opposite airport buildings South of A30	<p>This policy requires the submission of a site-specific FRA which we support, however it may be beneficial to specify that this is due to the presence of the ordinary watercourse on site, and the surface water risks present, not fluvial risk.</p>
WS09: Clyst Valley Regional Park	<p>It is disappointing that the reference to carbon sequestration has been removed from this policy and the direct reference to climate resilience and protection of irreplaceable habitats.</p> <p>In the text, under point F.4, there is no clarity around what would be defined as ‘close to’ the CVRP which would provide certainty for developers over which policy tests the proposals may be subject to.</p>
WS10: Development next to the M5 and north of Topsham	<p>Whilst there is no reference to the presence of flood zone 2 and 3 on site, the policy highlights that a masterplan will be needed. We would support this approach as long as the masterplan takes account of the flood zone, and wherever possible avoids development within the areas at risk.</p> <p>The ‘delivery framework’ lists us, and other statutory bodies. It would be helpful for your authority to clarify what the LPA’s expectations are on this matter.</p>

WS11: Gypsy and traveller site east of M5	<p>We support the policy requiring that built development will need to be outside of the area of flood risk, however <u>all</u> development whether 'built' or not should be in flood zone 1.</p> <p>The policy mentions supporting infrastructure- foul drainage will be an important infrastructure requirement.</p>
WS13: Employment land at Lodge Trading Estate, Broadclyst	<p>We support the requirement for a detailed flood risk assessment, and verification of habitats onsite. It would be preferable for the design and layout to avoid both flood risk areas and priority habitat areas.</p> <p>Even more positive would be an ambition to enhance the habitats onsite.</p>
SD01: Exmouth and its development allocations	<p>Land at St John's (Exmo_20) - we support that a masterplan is required for this site. However, the policy states that development which 'would result in unacceptable impacts will not be permitted within 400m of the Pebblebed Heaths'. There may be scope for confusion on the nature of impacts and what constitutes an unacceptable level of impact.</p> <p>This policy also refers to the delivery of SANGS. It would be clearer is the last sentence of the third paragraph of this policy stated:</p> <p><i>"The development will need to be supported by a new, developer provided, SANGs. <b>This will be required to be delivered as part of the overall proposal scheme either on the allocation site or on nearby land. LNRS should be used to identify the best site and form of SANGS"</b></i></p> <p>The above applies to Exmo_17 also.</p> <p>There is no mention of the main river on site which is a key constraint.</p> <p>In our Reg 18 response, we mentioned the importance of providing buffer zones to watercourses across sites in Exmouth. We see the value of emphasising these as a key constraint in the policies.</p>
SD02: Axminster and its development allocations	<p>Land west of Chard Road (GH/ED/83) - there is no mention of the flood risk elements in this section. Flood risk and the requirement for flood risk assessments are mentioned in other policies, so it is not clear why not in this one, especially given the proximity to the River Axe.</p> <p>Land east of Musbury Road (Axmi_02, Axmi_08 and Axmi_09)- we support the requirement for a masterplan on this site, especially to suitably manage the flood risks.</p>
SD04: Ottery St Mary and its development allocations	<p>Land at Thorne Farm (Otry_09) - We reiterate our previous comments regarding the site being adjacent to the Cadhay Bog so the policy should specifically require BNG which helps to expand the nature corridor.</p>
SD09: Development allocations at Colyton	<p>Land adjacent to the Peace Memorial Playing Fields (Coly_06a) - We are supportive of the requirement for a detailed Flood Risk Assessment, and the identification that flood zone 3 land may offer scope for open space, but should not form part of gardens, car parking, and other features associated with individual plots. This is a clear policy requirement which will ensure that issues around permitted development and ownership do not compromise flood conveyance and storage.</p>

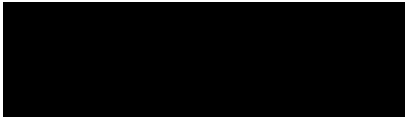
SD11: Development allocations at Woodbury	We reiterate our comments regarding the importance of providing buffer zones (for no development) to watercourses across sites in Woodbury.
SD17: Development allocations at Exton	Land north and east of Exton Farm (Wood_28) - This policy contains the wording: 'Development should address the existing flooding issues along Mill Lane.' The word 'address' offers no clarity on what is expected from developers. Preferable wording would be: "Development proposals should first avoid the area of flood risk. Where this is not possible with full justification, development must mitigate the flood risks". However, we recognise that this doesn't seem to go beyond the requirements of the NPPF and therefore does not add much value. Either specific requirements should be set out, or this sentence is not needed.
SD29: Development allocations at Whimble	Land at Station Road (Whim_11) - this policy suggests that an FRA 'may' be required, but it may be more proactive to state the 'where a development cannot locate development outside of the area at risk for flooding (over the lifetime of development) an FRA will be required. The policy indicates that the site layout should enable convenient pedestrian and cycle links which is supported. However, the priority should be to avoid the areas of flood risk where possible, alongside sustainable links. As stated in SD09, we would encourage the policy to prevent gardens and other domestic features within the area of flood risk.

## 9. Way Forward

Our comments are provided in recognition of the significant level of work already undertaken on the drafting of the local plan and its evidence base thus far. Many of our comments seek to ensure clarity in the way which policies are worded, to ensure that future development management decisions can be made which protect and enhance the environment at every opportunity. In terms of soundness of the plan, we suggest that the following should be undertaken:

- completion and publication of the WCS, which demonstrates that growth is sustainable regarding water, and
- completion of Level 2 SFRA for all relevant allocated sites which are affected by a form of flooding (i.e. Brcl\_26/WS11, Clge\_25a/WS15, Clho\_09/WS07, GH/ED/72a and Whim\_08 if these are taken forward).

Please contact us again to discuss the contents of this response, and we look forward to working with you as the local plan progresses.

Please contact us at  to discuss this response.

Yours sincerely,

Harriet Fuller MRTPI  
Planning Advisor

