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Your ref:
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Dear Mr Dickins

**EMERGING NEW EAST DEVON LOCAL PLAN 2020-2040
PREFERRED OPTIONS CONSULTATION DRAFT**

Thank you for your consultation on the draft of the East Devon Local Plan.

Environment Agency position

We consider that the draft East Devon Plan contains many good statements, objectives, and policy intentions regarding climate change and the natural environment. However, we consider that the new local plan could be bolder and more ambitious, and still requires completed evidence base in several areas to ensure it helps to deliver sustainable and resilient development. This includes:

- preventing deterioration and restoring the district's water environment,
- ensuring new development and existing communities are adapted and resilient to the environmental challenges presented by climate change, and
- achieving biodiversity net gain that is properly informed by the local nature recovery strategy

Our detailed comments are set out below in the same order as the draft plan.

Chapter 1. Introduction, evidence, and policies

Paragraph 1.8, under 'Evidence to support the plan', includes a link to the current evidence base online. We note this includes a section on 'climate emergency and response' evidence which highlights the coastal change management area assessment work which has been undertaken and the work in progress on the strategic flood risk assessment and water cycles study. There is, however, currently no evidence in terms of habitats and biodiversity referenced. This could include a variety of national and local evidence such as the emerging nature recovery mapping and local nature recovery strategy (LNRS) for Devon, the [River Axe SSSI River Restoration Plan](#) and the 2010

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Report to Defra 'Making Space for Nature: a review of England's wildlife sites and ecological network' (the Lawton report).

The key facts graphic (**figure 1**) includes some basic 'climate change' and 'outstanding natural environment' facts. For completeness we would recommend that bullet relating to flooding (under climate change) is expanded to also include erosion, especially given the coastal change pressures on parts of East Devon's coast. We also recommend that it be more definitive. Rather than saying flooding and erosion are 'likely' to get worse it should instead say that those issue are worsening and are predicted to continue to worsen.

Chapter 2. Vision

We note that the plan's vision (paragraph **2.3**) is drawn from the new Council Plan. We consider that this vision could be more ambitious and have adaptation and resilience to climate change as central elements. The consequences of climate will be profound, not just for the environment but also for the economy and society.

We welcome the Plan Objectives (**Table 1**) especially the ones regarding 'tackling the climate emergency' (**Objective 2**) and 'our outstanding natural environment' (**Objective 8**). We are pleased to see that the 'tackling the climate emergency' objective goes beyond net-zero carbon (i.e. mitigating climate change) and seeks to ensure the district adapts to the impacts of climate change. The challenge in terms of climate change is not just about mitigation but must also be about adaption and resilience (extreme heat, flooding, water supply). Regardless of how successful local or global mitigation efforts are, a degree of climate change is now unavoidable. Ensuring the district can adapt and is resilient to the inevitable impacts of climate change has the potential to make a big difference locally to long-term sustainability.

Chapter 3. Spatial Strategy

1 Strategic Policy Spatial Strategy sets out the intention to direct development towards to the most sustainable locations in the district: focussing new development on the western side of East Devon but with significant development in principal and main centres, including Axminster. Meanwhile, **2 Strategic Policy Housing Distribution** sets out the planned number of houses in each of these areas. The plan will need to clearly demonstrate whether there is environmental capacity to accommodate this approach to strategy and distribution.

In terms of Environmental Constraints, paragraph **3.11** justifies the distribution strategy on the grounds that Western parts of East Devon, closer to Exeter, 'are typically far less constrained'. Around 60% of the proposed residential units are allocated at the west end of the district at Cranbrook and the New Town which are both within the Clyst catchment and drain to the Exe Estuary.

The catchment is under significant environmental pressure in terms of water quality (especially high levels of nutrients), flood risks and habitat degradation. The cumulative scale of housing growth planned in these catchments, when both Exeter City and Mid Devon's planned new housing is also considered, together with the consequences of a changing climate mean these myriad environmental pressures will be exacerbated.

It is imperative therefore that responding to the climate crisis, supporting nature recovery and environmental limits inform, and are at the core of, the plan's spatial strategy strategic policies. To achieve this the spatial strategy needs to safeguard space for climate change adaptation and resilience, and the creation of bigger better more joined up natural networks. This will include the need for functional floodplains to

remain open within networks of nature rich blue-green infrastructure, free of residential gardens and other infrastructure, working with natural processes and reconnecting rivers with their floodplains. The Nature Recovery Mapping and LNRS will be essential tools to help focus, target and justify the plan's spatial strategy.

We note paragraph 3.7 which states that Cranbrook is not specifically covered by this new plan because it is already covered by the adopted Cranbrook Plan which was adopted in the autumn of 2022. We recognise your council's desire for the viability of the Cranbrook Plan to not be undermined.

However, the policy and legislative framework are dynamic which means the Cranbrook Plan, in some aspects, is already behind the emerging East Devon local plan. For example, the emerging local plan goes further in terms of adaptation and resilience to climate change (whilst the Cranbrook Plan includes objectives relating to climate change resilience and mitigation, policy CB12 only addresses climate change mitigation). Similarly, the Cranbrook Plan only sets out a requirement for 10% biodiversity net gain whilst the emerging plan requires 20%.

We recommend that the emerging local plan specifically address these gaps, highlighting where the Cranbrook Plan is insufficient and the Local Plan policy should be considered instead.

Chapter 5. Future growth and development on the western side of East Devon

The emerging plan envisages a new town (paragraphs **5.7-5.13** and in **8. Strategic Policy – Development of a second new town east of Exeter**) of up to 2,500 homes to 2040 and 5,500 homes beyond 2040. This is a lot of new houses within a catchment (Clyst) where every waterbody is failing to meet good ecological status (GES) under the Water Environment Regulations (WER) due to high levels of nutrients (namely phosphate), and which ultimately drains to the protected Exe estuary.

The plan needs to clearly demonstrate that further development will not result in a deterioration in these waterbodies and should be ambitious about seeking to improve waterbodies here and throughout the plan area. Whilst this is not an area where nutrient neutrality is a requirement as it is in the River Axe catchment, experience gained from the development of a nutrient management plan for Axminster to satisfy the previous local plan may help find and apply solutions to the nutrient problems in this catchment. This may require novel approaches and working more closely with the agricultural sector. The emerging Water Cycle Study you are currently undertaking will help to identify the risks and opportunities.

The Western side of East Devon map shows that the preferred site is adjacent to the Clyst Valley Regional Park (CVRP) and that the Aylesbeare Stream, its tributaries and their associated floodplains trisect it. The proposed new town will need to be subject to a Strategic Flood Risk Assessment level 2 (SFRA2) to better understand the flood risks across the site now and in the future, as well as how development of the new town could protect and enhance the floodplains. It is good, therefore, that this strategic policy (**8**) includes provision for at least 254 hectares of land for green infrastructure. These floodplain corridors must be an intrinsic part of this green infrastructure (GI) and include natural flood management, schemes which work with natural processes, ecological enhancement and biodiversity net gains. They should not be viewed as corridors to facilitate improved sustainable transport links.

The **Strategic Policy – Green Infrastructure and the Clyst Valley Regional Park (16)** is broadly welcomed. The proposed policy contains some great objectives,

especially that the CVRP sequesters carbon, improve climate resilience, provide natural flood storage, restore soil health, and help to achieve GES in the River Clyst and its tributaries. It is good too that the policy seeks to ensure that where development occurs outside but close to the CVRP any GI associated with the development links to the park. This will contribute to coherent Nature Recovery Networks and the realisation of the Lawton principles of bigger, better, more joined up natural networks.

The CVRP also presents opportunities to link to natural networks upstream and downstream including the National Trust's Three Rivers Landscape Recovery scheme at Killerton and the Exe Estuary Nature Recovery Area. The latter has a working group of organisations, landowners and councils from around the Exe Estuary. The group aims to shape thinking around a landscape scale Nature Recovery Area focussed on the Exe Estuary to create links, ensure its resilience to climate change, and ensure space for nature recovery and natural processes as well as people. The local plan could reference and support this is principle as the ideas develop. The CVRP could thus provide space for Exe Estuary habitats to adapt to climate change as sea level rises. This may be best addressed later within the policy (86) on Habitats Regulation Assessment (HRA).

We are pleased to see that **18 Strategic Policy – Gypsy and traveller site east of the M5 and south of the Exeter-Waterloo line** acknowledges the need for supporting infrastructure and that the site is partially at risk of flooding and that the area at risk will need to be avoided. This is essential because such developments are considered highly vulnerable and should not be permitted in areas at risk of flooding. A flood risk assessment will be required to determine the developable area, taking account of climate change. Supporting infrastructure needs to include appropriate foul drainage solutions.

Chapter 6. Strategy for development at Principal Centres, Main Centres, Local Centres and Service Villages

Up to 1,050 new homes and more than 7 hectares of employment land are proposed in **19 Strategic Policy – Axminster** but the policy contains no explicit reference to the requirement for all development within the catchment of the River Axe SAC to be nutrient neutral. We note that the matter is referred to in paragraph 6.9 under 'suitability for development' and is addressed specifically in the policy (86) on HRA later in the document. However, as such a fundamental constraint on development in Axminster we would recommend that nutrient neutrality is specifically acknowledged within this strategic policy.

In addition to the issue of nutrient neutrality there are several preferred and second choice site allocations which are at risk of flooding to some extent or affect watercourses. These are:

- **LP_GH/ED/80a** appears to be part of the existing local plan allocation and is fringed along its northern and eastern boundaries by the high probability Flood Zone 3 (FZ3). This area should be set aside as GI, with a buffer of at least 8m from the watercourse free from built development. We have provided comments on this site in respect of previous planning applications.
- **GH/ED/82** was previously allocated for employment and includes an area of FZ3 associated with the watercourse along the northern part of the site. This area should be set aside as GI, with a buffer of at least 8m from the watercourse free from built development.
- **LP_Axmi_07** (Axminster carpets site) is already allocated in the current local plan for employment use but the emerging plan proposes 50 new homes. A significant portion of site is within FZ3. The policy wording acknowledges flood risks at the site.

However, to be allocated for housing the site will need to be subject to a SFRA2, along with the flood risk sequential and exception tests. The SFRA2 should demonstrate whether development will be safe over its lifetime (including access/egress) taking account of climate change and consider the culverted watercourse beneath the site. If the site can pass the sequential and exception tests it should be supported by a masterplan, informed by the SFRA2, to secure environmental and other enhancements. Redevelopment of the site provides an opportunity to open (daylight) the culverted watercourse, creating a dedicated blue-green natural corridor contributing to onsite biodiversity net gain (BNG). There could then be scope to develop areas north and south and provide safe access/egress to adjacent high ground. The SFRA2 could identify opportunities to reconfigure the current area at risk of flooding to help meet development need subject to there being no net loss of floodplain storage/conveyance, and ideally achieving an overall improvement, and the effects of climate change being addressed. Redevelopment would also ensure any contaminated land is remediated.

- **LP_GH/ED/83** is partially within the floodplain of the River Axe (medium probability Flood Zone 2), but this risk is not acknowledged within the policy wording. The floodplain area with an appropriate buffer should be set aside as GI, free from built development to avoid loss of supporting habitat to the River Axe SAC, allow for climate change impacts and provide BNG.
- **Axmi_01a** is partially within FZ3 associated with the watercourse along the northern part of the site. This area should be set aside as GI, with a buffer of at least 8m from the watercourse, free from built development.
- **Axmi_02 and Axmi_08** has an area of FZ3 associated with the watercourse along the southern edge of the site. This area should be set aside as GI, with a buffer of at least 8m from the watercourse, free from built development.
- **Axmi_09** has an area of FZ3 associated with a well-defined watercourse which bisects the site. This area should be set aside as GI, with a buffer of at least 8m from the watercourse, free from built development.
- **LP_Axmi_11a** is partly within FZ3 and FZ2 associated with a well-defined watercourse on site. This area should be set aside as GI, with a buffer of at least 8m from the watercourse, free from built development. Given a history of flooding to property downstream, redevelopment of the site should seek to provide a reduction in risk.

There are several preferred and second choice site allocations which are at risk of flooding to some extent or affect watercourses set out in **20 Strategic policy – Exmouth**. These are:

Small potential flood risks at the edge of preferred site LP_Exmo_08 & 16 and through a part of second choice site LP_Exmo_17.

- **LP_Exmo_08&16** has a small area of FZ3 fringing the south-eastern boundary of the site. This area should be set aside as GI, with a buffer of at least 8m from the watercourse, free from built development.
- **LP_Exmo_17** has FZ3 associated with the Littleham Brook and several other ordinary watercourses running through the site. These areas should be set aside as GI, with a buffer of at least 8m from the watercourses, free from built development. These watercourses must not be culverted. There could be natural flood management opportunities on this site to increase floodplain storage and reduce flood risk to the downstream community.
- **LP_Exmo_06** has a watercourse along the eastern boundary. A buffer of at least 8m from the watercourse should be set aside free from built development.
- **LP_Exmo_04a** and LP_Lymp_14 have the same culverted ordinary watercourse running through them. 14 also has an area at risk of surface water flooding. We recommend that development is used as an opportunity to reinstate an open

channel and a buffer of at least 8m from the watercourse set aside free from built development

- **LP_Exmo_20b** appears to have had its boundaries altered to ensure they are more than 8m from two main rivers to the south and west of the site's boundaries, which converge on the Southwest corner of the site. The site access does, however, cross the main river and the area of FZ3 associated with it to the west. A safe access and egress route will need to be carefully considered and a flood risk activity permit required.
- **LP_Exmo_18** has an ordinary watercourse at the northern boundary. A buffer of at least 8m from the watercourse should be set aside free from built development.

It is noted and welcomed that part of the coast to the south of the town is designated as a Coastal Change Management Area (CCMA).

There are a couple of sites which are at risk of flooding to some extent or affect watercourses set out in **21 Strategic policy – Honiton**. These are:

- **LP_Honi_05**, a second-choice site for 40 new homes on land north and south of King Street. The site is within FZ3 and FZ2 and is bisected by a main river. However, the flood risk has not been acknowledged within the policy. The site would need to be subject to SFRA2, and the sequential and exception tests before being allocated. If the site can pass the sequential and exception tests it should be supported by a masterplan, informed by the SFRA2, to secure a reduction in flood risk and environmental enhancements.
- **LP_GH/ED/39a** has an area of FZ3 to the northeast of the site. This area should be set aside as GI, with a buffer of at least 8m from the watercourse, free from built development.

There are a few sites which are at risk of flooding to some extent or affect watercourses set out in **22 Strategic policy – Ottery St Mary**. These are:

- **LP_GH/ED/27** (south of Strawberry Lane) has a significant area of FZ3 at the southern end of the site, which is not acknowledged in the policy. The site would need to be subject to SFRA2, and the sequential and exception tests before being allocated. If the site can pass the sequential and exception tests the area at risk should be set aside as GI, with a buffer of at least 8m from the watercourse, free from built development.
- **LP_Otry_10** (land north and south of Salston Barton) should not include the parcel of land to the south. The entire southern parcel is within FZ3 whilst the eastern edge of the northern parcel fringes FZ3. The site would need to be subject to SFRA2, and the sequential and exception tests before being allocated.
- **LP_Otry_09** (land at Thorne Farm) has an area of FZ3 and part designated main river along the northern boundary. If the site can pass the sequential test the area at risk should be set aside as GI, with a buffer of at least 8m from the watercourse, free from built development. As the site is adjacent to Cadhay Bog the policy should seek to secure BNG that can help expand the nature corridor.

There are no sites allocated affected by environmental constraints in **23 Strategic Policy – Seaton**. However, it is noted and welcomed that a CCMA has been designated on the east side of the mouth of the Axe and the western side of town (west of The Chine).

There are no new site allocations with environmental constraints set out in **24 Strategic Policy – Sidmouth** although it is noted that the Seaton map does show the previously permitted site (LP_Sidm_08) at Sidford/Two Bridges.

The coast to the east of the mouth of the Sid (including a significant number of existing residential properties) and to the west of the town around Peak Hill Road is designated as CCMA. We recommend that this Sidmouth policy, in conjunction with the policy on relocation of development away from CCMA (37), considers allocating land precisely for the purpose of relocating the properties east of Sidmouth within the CCMA.

Whilst **LP_Sidm_17** itself is outside the newly designated CCMA it is noted that parts of Peak Hill Road to the south may no longer exist at some point in the future. The plan should therefore consider whether this makes any difference in terms of vehicular access to the site if developed (e.g. is Cotmaton Road appropriate for accessing an additional 11 dwellings).

Only three of the settlements covered by **25 Strategic Policy – development strategy at Local Centres** have allocations/policies with relevant environmental constraints.

At **Broadclyst** preferred site **LP_Brc1_12** (Land west of Whimble Road) has an area of FZ2 to the northeast which should be secured as GI, free from built development.

The **Budleigh Salterton** map shows a couple of small second-choice sites within FZ3 (**LP_Bud1_07** and **LP_Bud1_09**). These sites would need to be subject to SFRA2, and the sequential and exception tests before being allocated. It is noted that a CCMA is designated west of Rolle Road and that it does include existing developed areas.

The **Woodbury** map includes two preferred sites (**LP_Wood_10** and **LP_Wood_16**) which have portions of FZ3 and designated main river along their edges. These areas should be set aside as GI, with a buffer of at least 8m from the watercourse, free from built development.

There are several settlements included in **26 Strategic Policy – development strategy at Service villages** which are of note:

- **Beer** – the designation of a CCMA is noted and welcomed.
- **Branscombe** – the designation of a CCMA is noted and welcomed.
- **Chardstock** – includes provision for 30 new homes within the catchment draining to the River Axe SAC. Development here will therefore need to be nutrient neutral.
- **Exton** – The southern boundary of **LP_Wood_28** fringes and the Woodbury Brook main river. This area should be set aside as GI, with a buffer of at least 8m from the watercourse, free from built development. There has been previous flooding on record. Development may, therefore, provide an opportunity for floodplain improvements to reduce flood risk to the community downstream.
- **Hawkchurch** – includes provision for 38 new homes within the catchment draining to the River Axe SAC. Development here will therefore need to be nutrient neutral.
- **Kilmington** – includes provision for 52 new homes within the catchment draining to the River Axe SAC. Development here will therefore need to be nutrient neutral.
- **Musbury** – includes provision for 25 new homes within the catchment draining to the River Axe SAC. Development here will therefore need to be nutrient neutral. An area towards the northern boundary of **LP_Musb_01** is within FZ3. This area should be set aside as GI, with a buffer of at least 8m from the watercourse, free from built development.
- **Otterton** – both the second-choice site **LP_Otto_02** and new site **LP_Otto_04** are within FZ3 associated with the main river Otterton Brook. The sites would need to be subject to SFRA2, and the sequential and exception tests before being allocated. While it may be possible to build outside the area at risk of flooding on the eastern portions of these sites the floodplain cuts them off from Ottery Street so it is unlikely there would be any safe access or egress routes.

- **Whimble** – all the preferred and second-choice sites here have some degree of FZ3 and/or FZ2 present within them. These sites would need to be subject to SFRA2, and the sequential and exception tests before being allocated. Preferred site **LP_Whim_11** is partially within FZ3 adjacent to the main river Main River. The area at risk of flooding and an appropriate buffer should be set aside as GI, free from built development and to provide BNG. For second-choice sites **LP_Whim_03**, **LP_Whim_07**, **LP_Whim_08**, **LP_Whim_13**, and **LP_Whim_19**. If the sites satisfy the sequential test the areas at risk of flooding should be set aside as GI, with a buffer of at least 8m from the watercourse, free from built development. Whimble has a long history of flooding and has a need for additional flood management infrastructure. Any development which satisfies the sequential and exception tests will be expected to contribute to helping to reduce flood risks overall for the community.

It should be noted that the flood map used on all the allocations maps are indicative of present-day flood risks and do not take into account climate change.

Chapter 7. Tackling the climate emergency

Whilst the introductory text (7.1) does note that the impacts of climate change are already being felt and are irrevocable, **27 Strategic Policy – Climate Emergency** focuses on reducing emissions but does not include any provisions requiring adaptation/resilience to those changes. As we have highlighted in our comments on chapter 2 adapting and becoming resilient to the many impacts of climate change is just as important as reducing carbon emissions and is an area where local planning authorities have more control. Resilience to climate change is about more than just adapting to increased flood risks. For example, it should include providing space for nature to adapt. Within the East Devon local plan this should include space for the Exe Estuary SPA/RAMSAR, and Axe SAC. The River Otter is also particularly unstable, with threats to the built environment including at Cadhay, Ottery St Mary, Tipton St John, Harpford, Newton Poppleford, with these processes liable to increase as a result of climate change.

We welcome **28 Strategic Policy – Net Zero development** and are pleased to see a requirement for new homes to be future proofed to avoid temperature discomfort as a result of rising temperatures. That is just one way in which new homes (and new development more generally) need to be designed differently to be resilient to climate change and help to achieve net zero carbon emissions. Achieving the ambition for Net Zero will require new development to incorporate things like grey water reuse, onsite energy generation, efficient insulation, green roofs, garden water storage, SuDS which are beneficial for natural conservation and water quality.

We support **29 Strategic Policy – Promoting Renewables** and welcome the requirement for proposals to not have unacceptable impacts on water and biodiversity, and that non-renewable forms of energy generation will only be considered once all alternatives have been exhausted.

Similar policy requirements are set out in **30 Strategic Policy – Suitable Areas for Solar** for how solar energy proposals will be considered in areas identified as suitable. Many of the areas shown on maps as suitable for solar development are within areas at risk of flooding. We are satisfied that the requirement for 'no unacceptable impact on water' is sufficient to protect functional floodplains. The nature of solar development means that natural flood management and floodplain improvements can be easily implemented alongside development with little to no negative consequences.

Paragraph **7.32** discusses **adapting to environmental changes and managing environmental hazards** and covers flood risk, coastal change, water supply and pollution. It also sets out the work that has been or is being undertaken to understand the existing baseline situation, including the CCMA evidence base, the SFRA, and the Water Cycle Study. Adapting to environmental changes and managing environmental hazards will be crucial to whether development delivered through the new plan is sustainable in the long term.

With regard to **flood risk**, we are pleased to see that paragraph **7.33** recognises the need to map and understand flood risk from all sources. However, the text relating to areas within existing settlements that are at risk of flooding that may be considered suitable for redevelopment should be clear that this is subject not just to SFRA2 but also the sequential test and, where necessary, the exception test in accordance with paragraphs 161-165 of the National Planning Policy Framework.

We note that **35 Strategic Policy – Flooding** is an interim draft policy highlighting the issues likely to be covered in advance of the SFRA being completed. Our comments therefore focus on the matters we consider the new flooding policy should address. We consider that there are matters which should be covered which the current draft policy does not cover including the following:

- Delivering developments and communities which are resistant and resilient to future floods.
- When it will be expected that development helps to reduce flood risk overall.
- Tighter standards for development within Critical Drainage Areas (CDA).
- Where use of natural flood management (with associated BNG opportunities) would be appropriate for land further up a catchment from communities at risk of flooding.
- Daylighting of culverts within sites and buffers of at least 8m from watercourses which are free of development.
- Making space for flood defence mitigations and relocation of unsustainable communities.

We recommend that in the fifth bullet point regarding run-off rates ‘preferably’ is removed. The expectation is that SuDS is implemented on all sites to provide betterment wherever possible, in all locations not just in CDAs.

It is noted that CDAs are only referred to in the draft plan in relation to the CVRP. We are in the process of reviewing and renewing our CDAs and we will seek to ensure these included in the plan if there are any updates for East Devon.

It is also noted that Natural Flood Management (NFM) is listed in the glossary but not actually mentioned within the local plan. There is NFM work ongoing or planned within East Devon and the plan offers an opportunity for new development to contribute to future NFM projects as part of schemes to reduce flood risk and/or achieve BNG.

Paragraph **7.35** covers **water quality and supply** and highlights that ‘the results of the water cycle study may feed into site allocations and is likely to underpin plan policies relating to water quality and supply’. Without prejudging the findings of the water cycle study, given the known pressures on the water environment not least the issue of nutrients across the district, we consider that the draft plan should be more definitive on this matter and say that the results ‘must’ feed into the allocations and inform the distribution strategy.

Other **water quality** issues that should be acknowledged in the local plan include:

- Bathing waters, of which there are 8 in East Devon. These are important assets for the district and the plan should detail how development will protect and where possible improve them.
- Shellfish waters, of which there are two in East Devon (Exe Estuary and Outer Exe). Activities and operations in Exmouth (along with other urban areas) are known to impact on shellfish waters and the plan should detail how development will protect and where possible improve them.
- The cumulative impacts on water quality of development within East Devon and other local authority areas draining to the same catchments. As noted in our comments on Chapter 3 and Chapter 5 the cumulative scale of housing growth planned by East Devon, Exeter City and Mid Devon in these catchments mean existing pressures on the water environment will be exacerbated. The plan therefore needs to be clear about how development will not cause a deterioration in these waterbodies and help secure improvements instead.

A high-level overview of nutrient failures in East Devon is provided in an appendix to this letter to illustrate the scale of the problem in East Devon and how the new local plan can help to tackle it.

There will also be increased pressure on **water supply** from a growing population and hotter drier summers predicted due to climate change. It is assumed that the housing and economic developments envisaged in the plan will primarily connect to the public water supply and so the water for these will be managed through South West Water's (SWW) Water Resources Management Planning and the longer term Regional Water Resources plan up to 2050. However, where a development needs a water supply which is not provided by SWW (e.g. an onsite borehole or surface abstraction) an environmental permit may be required.

We are currently involved in wider, strategic discussions with SWW in relation to resilience and maintaining a secure supply of water for the future. As a result of the trend towards staycations over the last two years due to the Covid19 pandemic, SWW reported unprecedented water demand in the Mid to East Devon areas during the holiday period. This increase in demand combined with the hot dry weather experienced this Summer and the drier than normal Autumn which has followed has put strain on the water supply infrastructure and sources used for abstraction. This is a foretaste of the pressures that are likely to be felt in the future regarding water supply as we experience more of the effects of climate change.

Under climate change scenarios up to 2050, the Devon, Cornwall & Isles of Scilly area is modelled to potentially be impacted by much lower summer flows due to lower rainfall. It will be essential for public authorities to work with the water company and other abstraction licence holders to mitigate for and adapt to these changes. In light of the evidence of emerging trends towards water being an increasingly scarce resource, we would strongly encourage the plan to include a policy requiring all new developments to demonstrate water efficiency, including grey and rainwater recycling, especially on major developments. In line with guidance, all new residential units shall demonstrate compliance with the more water efficient maximum use of 110 litres per person per day in line with Building Regulations approved document G, to be secured by planning condition.

A high-level overview of the current water availability situation in East Devon is provided in an appendix to this letter.

We are pleased to see multiple policies relating to coastal change reflecting the good work that has been undertaken to understand and identify the areas that will be at most risk. We are fully supportive of **36 Policy – CCMA** which establishes CCMA's for East Devon and sets out policy on how new proposals within them will be considered. The policy is robust and unambiguous; we especially welcome the strong position that residential development (including changes of use) will not be permitted in CCMA's and that all other permissions will be time limited.

It is good to see that **37 Policy – Relocation of uses affected by coastal change** sets out how proposals to relocate development away from areas affected by coastal change will be considered. However, as no provision has been made to allocate land for existing uses to relocate to and without a mechanism in place to provide land and/or compensation it is not clear how functional this policy will be. As a minimum the plan should ensure that space is available for homes, businesses, facilities, infrastructure and habitats to relocate to.

Chapter 8. Meeting housing needs

We note **45 Policy – Residential sub-divisions of existing dwellings and buildings and replacement of existing dwellings**. This policy represents an opportunity to embed within the plan our local flood risk standing advice for changes of use to residential and replacement dwellings in areas at risk of flooding. This would help provide certainty and consistent expectations for applicants, simplify decision-making for planning officers, and ensure such proposals result in more resilient buildings. We would be happy to work with you further on this.

We are pleased to see that **48 Strategic Policy – Provision for gypsy and travellers and travelling show people sites** includes a requirement for these proposals to 'avoid sites vulnerable to flooding or affected by any other environmental hazards that may affect the residents' health and welfare'. This is essential because such developments are considered highly vulnerable and should not be permitted in areas at risk of flooding.

Chapter 9. Supporting jobs and the economy

We support **53 Policy – Farm Diversification** which includes a number of relevant policy criteria such as ensuring foul drainage facilities are adequate, no adverse impacts from noise/smell/other pollution, and no adverse impacts on biodiversity. We welcome acknowledgment that it may be necessary to limit the scale of on-farm anaerobic digester. There are some existing sites in the district that attract complaints and further expansion should be considered very carefully, especially for businesses that could cause additional or new complaints regarding odour, noise, dust, or other nuisances.

Chapter 10. Designing beautiful and healthy spaces and buildings

It is good that paragraph **10.4** is clear that climate change resilience and GI are key elements of good design. **Figure 14** is a useful graphic which helps show how GI is vital to create healthy places. These elements have been embedded within **62 Policy – Design and local distinctiveness**.

We note that bullet point 2 in the policy (**62**) refers to the waste hierarchy. Whilst this is positive, we consider the plan could go further and embrace the circular economy. The circular economy may be a better way of committing to ways of reducing waste and reusing materials. In planning terms this can be particularly important when considering refurbishing or repurposing buildings rather than building new.

Chapter 11. Prioritising Sustainable travel

68 Policy – parking standards) requires Electric Vehicle (EV) charging points for all new residential developments. We recommend this policy should also provide for expansion of EV charging points for existing communities to ensure sufficient infrastructure is in place as society transitions to EVs. This could perhaps include a presumption in favour of new EV charging proposals.

Chapter 12. Caring for our outstanding landscape

A variety of features that contribute to the nature and quality of East Devon's landscapes are identified in **74 Policy – Landscape features** and includes rivers, tributaries, floodplains, watercourses and other water bodies. The policy requirement to protect and enhance these features is welcomed.

It would be useful if **76 Policy – Coastal preservation areas** or its supporting text highlights how the policy will work with the CCMA policy (36) as well as how it considers climate change impacts in coastal areas outside CCMA's.

78 Policy – Green wedges requires development to not conflict with the purposes of green wedges such as provision of valuable wildlife corridors and habitat. Whilst the policy wording does not set out much more in terms of the environmental purposes of green wedges the policy justification (paragraph **12.11**) does set out further functions provided by these areas including flood storage capacity which is good. We consider it would be good if the policy included an additional 'purpose' of the green wedges to help communities to adapt and be more resilience to climate change should be added.

Paragraph **12.21** (part of the justification for inclusion **79 Policy – Land of Local Amenity Importance or Local Green Space**) also recognises the multiple benefits and opportunities for the enhancement of green space/land of local amenity importance including improved water quality, access, biodiversity, recreational, health and educational benefits. These spaces will be crucial in helping communities to adapt and be more resilient to climate change.

We support **80 Policy – contaminated land** which is a simply worded policy which also includes provisions for developments near to landfill. However, the policy could specify that the purpose of the policy is to protect the water environment as well as human health.

We are supportive of **81 Policy – Potentially hazardous developments and notifiable installations**. We would be a consultee on planning applications for such developments where they are COMAH developments and/or activities regulated by us under the Environmental Permitting Regulations. We would encourage early engagement so permitting requirements can be aligned with planning conditions.

We are satisfied that **82 Policy – control of pollution** includes the basic elements we would want to see in a pollution control policy, particularly regarding pollution of surface or ground waters. However, the policy says that permission will not be granted to proposal that will result in 'unacceptable' levels of pollution. It is not clear how an 'unacceptable' level of pollution would be defined. The policy should be clear that new proposals will be expected to not cause pollution of air, land, or water and that any unavoidable impacts will be adequately mitigated. To address this the policy should require new development to be accompanied by a construction environment management plan (CEMP). The CEMP would need to cover SuDS and soil management during construction to avoid compaction and sediment laden run-off.

Paragraph 12.29 states that ‘possible pollution effects from proposed development can be a material consideration’. We recommend that this is amended to be less ambiguous so that ‘can be’ is replaced by ‘are’. Paragraph 185 of the NPPF is clear that likely effects on pollution should be considered.

Chapter 13. Protecting and enhancing our Outstanding Biodiversity and Geodiversity

The introduction to this chapter acknowledges the Government’s agenda for nature as set out in the Environment Act 2021 and the 25 Year Environment Plan (paragraph **13.3**) and how biodiversity is intrinsically linked to factors such as climate change, agriculture, land use change and pollution (paragraph **13.2**). This is a good start, however, parts of this chapter and some of the policies seem disjointed and muddled.

In addition to the obvious sites like Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Sites of Special Scientific Interest (SSSI) **84 Policy – internationally and nationally important wildlife sites** includes ‘areas secured as compensation for damage to an internationally or nationally designated site’. It is not clear how broad the definition of this is and whether it includes areas like the CVRP which have been identified as Suitable Alternative Natural Green Space as well as our own schemes like the Lower Otter Restoration Project.

The policy (**84**) also sets out provisions for the protection of regionally and locally important wildlife sites, including Habitats of Principal Importance. This is good to see. It is noted that the draft plan seems to use the terms ‘Habitats of Principal Importance’ and ‘Priority Habitats’ interchangeably. These are the same thing, and we would recommend the plan uses just one term to avoid confusion.

Ancient woodland, ancient and veteran trees, very mature trees showing early signs of veteranisation, blanket bog, mires, sand dunes, salt marsh and lowland fen are all specifically listed in **85 Policy – protection of irreplaceable habitats and important features** as irreplaceable habitats. We consider that this list of habitats is not sufficient to cover the range of irreplaceable habitats in East Devon. We recommend that the list is either expanded or is simplified to refer instead just to Habitats of Principal Importance. If the list is to be expanded then we advise that the following should also be listed:

- Intertidal mudflats
- Rivers and Streams!
- Estuarine habitats
- Coastal and floodplain and grazing marsh
- Broadleaved mixed and yew woodland
- Traditional orchards
- Lowland heathland
- Maritime slopes and cliffs

The focus of this policy (**85**) appears to be on preventing destruction and degradation of habitat of principal importance, which is positive. However, emphasis should also be given to the expansion and restoration of these habitats through initiatives such as partnership working and community projects. Continued and new data gathering, and monitoring programmes on the condition and distribution of these habitats will also play an important role in ensuring the ongoing protection of important habitats.

It is in **86 Policy – Habitats Regulation Assessment** where the plan addresses the nutrient neutrality requirements in the River Axe SAC. The policy ‘*requires development proposals within the River Axe catchment to demonstrate how nutrient neutrality will*

achieved. The Council will seek to provide mitigation measures that developers can buy into, or mitigation can be secured through other provider's services or directly through or by development. We support this approach and hope that the previous work undertaken in respect of the Axminster Nutrient Management Plan and newer initiatives like nutrient trading pilot schemes mean these nutrient mitigation solutions can be expedited.

Supporting text regarding the issue of nutrients in the River Axe is provided within paragraphs **13.31-13.33**. Notably, paragraph **13.33** acknowledges '*high nutrient levels across watercourses in East Devon and the adverse impacts they are causing*' and that the council will assess development and encourage measures to protect and where possible enhance water quality. We strongly support this approach, but it begs the question of whether, given the specific pressures in East Devon, a standalone nutrient policy is necessary within the new local plan. We would therefore encourage your authority to consider a specific nutrient management policy that links potential for funding of upstream river restoration delivering phosphate stripping to achieve this. This winter (2022/23) we are carrying out trials and evaluation of sediment and phosphate trapping through river restoration which may provide further mitigation solutions for developers to buy into. A consistent district wide approach, drawing on experience gained from the Axe catchment, could see development across East Devon offsetting their foul effluent derived nutrient inputs whilst at the same time achieving environmental betterment and net gains for nature.

The policy (**86**) also requires water efficiency measures to be incorporated into all new dwellings, overnight accommodation, and some other proposals as a way of reducing nutrient loads. Given the heading above paragraphs **13.31-13.33** this looks like it might be an error and should say 'wastewater efficiency' instead. However, as it is currently written it may give the impression that the issue is about water quantity instead of water quality. Development needs to achieve nutrient neutrality, not just wastewater minimisation.

On another matter relating to HRA, the new local plan should also identify and demonstrate how it can support coastal realignment into the Clyst Valley (CVRP) to compensate for coastal squeeze on the Exe Estuary SPA.

87 Policy – Biodiversity Net Gain acknowledges the variety of factors and potential benefits driving the requirement for BNG not least the combined biodiversity and climate emergency, and the multifunctional benefits of habitat creation including flood risk mitigation. The policy goes further than the Environment Act by requiring development in East Devon to deliver BNG of 20%. Justification for this policy is set out in paragraphs **13.37-13.44** and includes information highlighting the reduced costs to developers of delivering additional net gain. We are in full support of this policy.

Nonetheless, it is not clear what the mechanism is that will be employed to ensure BNG is delivered and maintained as required. We recommend that the plan set out how it expects BNG to be achieved especially where offsite schemes for compensation and enhancement are being pursued. For example, where they exist the plan should direct developers to trading schemes and other marketplaces for BNG.

We would also encourage your council to consider going beyond the Environment Act's requirement for BNG to be maintained for a period of 30 years. When considering the climate emergency 30 years seems like a relatively short period of time. It may also conflict with other policy requirements. National planning policy guidance sets out a development lifetime for residential development of 100 years. Therefore, where a

proposal is relying on working with natural processes to naturally manage flood risks and provide BNG it would be expected that that scheme be maintained over the lifetime of development.

We support the intentions of **88 Strategic Policy – Local Nature Recovery Strategy and Nature Recovery Network**. One of the principal tools for delivering on the strategic objectives of the LNRS will be the delivery of BNG. Likewise, effective BNG will need to be informed by the nature recovery mapping and LNRS. It is essential that the LNRS can properly inform the plan and the policies within it so that opportunities to support nature recovery are not missed.

Ahead of the LNRS being completed there are a number of places where nature recovery in East Devon can be focussed. Whilst we have focussed efforts in recent years on the lower Otter we consider that the Lower Clyst, the Exe Estuary Nature Recovery Area and the National Trust's Three Rivers Landscape Recovery scheme at Killerton are good options for targeting nature recovery efforts.

We consider that **89 Policy – Ecological Impact Assessment** is comprehensive, however it does not refer to BNG and LNRS. The ecological policies seem a little disjointed in this regard. An ecological assessment should be required to identify the impacts and how they will be avoided/mitigated and identify how their BNG will contribute to delivery of the LNRS. We recommend that these policies are reviewed to determine how they can be better integrated with one another and to avoid possible duplication or conflict.

With regard to 90 Policy – Due consideration of protected and notable species in particular invasive species, we recommend that the policy should be unambiguously require that developers remove invasive species from their land to reduce abundance and prevent future spread into the wild. The policy could proscribe what circumstances this may not be achievable and list them as exemptions.

It is not clear exactly what **91 Policy – Ecological enhancement and incorporation of design features to maximize the biodiversity value of proposals** provides that is not covered by the BNG and LNRS policies. The policy should be clear about where it would apply. For example, it should be clarified whether the policy exists for developments of such as small-scale that BNG does not apply such as conversions and changes of use.

We are pleased to see that **92 Policy – Tree policy** requires development schemes to take climate change into account when selecting appropriate trees to plant. It is important that policy helps ensure development proposals plant the right trees in the right places.

Chapter 17. Implementation and monitoring of the local plan

In terms of infrastructure provision, we are pleased to note that paragraph **17.1** acknowledges how flood risk and habitats are often critical for new development to take place. We also note that paragraph **17.2** refers to central government funding for flood infrastructure. This funding is known as flood defence grant in aid. It should be noted, however, that under partnership funding government will only cover a proportion of the cost of a scheme (depending on a metric including number of houses and businesses protected, and environmental benefits) with the rest of the cost of a scheme made up from other sources of funding. For this reason, developer contributions through Section 106 planning obligations and/or Community Infrastructure Levy will play an important part in ensure crucial flood risk management infrastructure is delivered.

Yours sincerely

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Appendix – Water quality and supply baseline information

High levels of nutrients are a major reason for East Devon's rivers failing to meet Good Ecological Status. The East Devon Management catchment (which extends beyond the district's boundaries) includes 80 river waterbodies reported on under the WER and 3 WER transitional waterbodies. 79 of the river Waterbodies have a 2019 classification for phosphate. Of these 79 waterbodies the status in respect of phosphate is as follows:

- 7 are at High status
- 19 are at Good status
- 45 are at Moderate status
- 8 at Poor status for phosphate.

The Exe Transitional waterbody (i.e. the estuary) is at Moderate status for Dissolved Inorganic Nitrogen (DIN), while the other 2 transitional waterbodies are not assessed for this element.

Where an element is at less than good status we need to see if action can be taken to improve the status to good. In order to identify appropriate actions, we need to understand the cause of the failure. Once the cause of the problem (activity, source, and sector) has been identified, we assign the failing element a 'reasons for not achieving good' (RNAG) or a 'reason for deterioration' (RFD). In the East Devon management catchment 144 RNAGs that are attributed to nutrient pressure from phosphate, of these 31 are attributed to the wastewater treatment, 99 to agriculture and 14 to other sectors. There are 151 phosphate RNAGs, 99 are attributed to agriculture, 34 to wastewater treatment and 18 to other sectors. The Exe estuary has 5 DIN

RNAGs. Three of these RNAGs are associated with Agriculture, one with wastewater treatment and the other with Private Sewage Treatment.

In terms of current water availability for the East Devon our evidence indicates the following:

- There is water available for abstraction at all flows around Exeter with the exception of the areas of Countess Weir and Topsham where fully licensed flows are below the environmental flow indicator at low flows to support the needs of the environment. There is, therefore, restricted water available.
- With regards to the water availability for the areas proposed for the New Town, our evidence shows at this current time there is water available for abstraction at all flows in the new proposed areas of the New Town.
- There is restricted water available at mid to low flows and no water available at low flows in the Otter Catchment. This covers The Upper, Middle and Lower River Otter, River Tale, River, Wolf (Otter) and River Love. There is no water available from the Otterhead Reservoir at all flows. Any new surface/groundwater abstraction will have a HoF applied in this catchment. this area was designated a priority catchment due to its abstraction pressures and environmental sensitivity. We are working with stakeholder groups and partnerships across the East Devon catchments including the Otter Priority catchment to co-develop a co-ordinated approach to water resource planning for the next 25 years.
- There is restricted water available at low flows in the Relief Channel catchment which Beer watercourse sits in. Any new surface/groundwater abstraction will have HoF or HoL applied in this catchment.
- Whilst water is available within the River Yarty, Lower and Upper Axe, Cory Brook, Blackwater River and Forton Brook, and is restricted at low flows for Kit Brook, further restrictions will apply in these catchments to protect the flow requirements of the River Axe SAC in line with Common Standard Monitoring Guidance targets.