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Attachments:

FW: Environment Agency Response to: DC/2014/114498/CS-01/SB1-L01
PlanningProposal.rtf

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From: [REDACTED]
Sent: 13 February 2017 14:24
To: Jonathan Guscott
Subject: Environment Agency Response to: DC/2014/114498/CS-01/SB1-L01

The Local Development Document has been reviewed and I enclose the Environment Agency's comments on:

Core Strategy
Mid Devon District Council
Core Strategy

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Mr. Adrian Welsh
Mid Devon District Council
Forward Planning & Conservation
Phoenix House Phoenix Lane
Tiverton
Devon
EX16 6PP

Our ref: DC/2014/114498/CS-
01/SB1-L01
Your ref: Adrian Welsh
Date: 13 February 2017

Dear Adrian

Mid Devon Local Plan Review (2013 – 2033) Proposed Submission (Incorporating Proposed Modifications)

Thank you for your consultation of 23 December 2016 providing us with an opportunity to comment on the proposed submission for the Mid Devon Local Plan Review 2013 – 2033 (Incorporating Proposed Modifications). Our comments under the relevant function headings are provided below.

Flood Risk

Having reviewed the Local Plan documents we can report that the suggested policies and strategies regarding the management of flood risk across Mid Devon District Council all appear sound.

In terms of the provision of the proposed significant highway improvements at Junction 28 of the M5 Motorway in Cullompton, required to support future development growth, we confirm the following.

We have worked very closely with Mid Devon District Council, Devon County Council, and their consultants, in particular over the past six months. This work will enable us to identify whether an acceptable design solution for the Cullompton relief road, new motorway junction and over bridge can be delivered which will not increase flood risk. Key to this process is the production of a hydraulic model which represents current conditions. When this has been achieved we will be able to assess the impact of various highway layouts and proposed schemes to provide the required highway improvements.

Significant progress has been made following extensive flood modelling work and at the time of writing we anticipate that agreement, in principle, of the highway improvements can be achieved. We are aiming to reach this agreement by the end of March 2017,

prior to submission of the Local Plan, however this will be subject to the progress of further detailed flood modelling work.

The provision of the scheme will be subject to detailed design work and further consultation with us. Accordingly, at this stage we are unable to advise on the scale and nature of any flood risk mitigation works.

Groundwater and Contaminated Land

We note that you have acknowledged the presence of a source protection zone near Thorverton and identified constraints on drainage.

The document could be more explicit on the need for consideration of risks to controlled waters in Section 4.17. It states that remediation may be required in relation to human health, and then discusses WFD drivers (river basin plans). However, most controlled water remediation for developments is done without reference to river basin plans. As it is currently written the text could be interpreted that as long as there is no deterioration in water quality there would be no requirement for remediation.

Biodiversity

- TIV16 Blundells – This policy should also include '*The creation of additional/compensatory floodplain should secure wider environmental and sustainability benefits*'. This is a key consideration of the Environment Agency when consulted on development within the floodplain.
- TIV16, paragraph 3.60c) – Please insert "*, subject to the provision of wider environmental and sustainability benefits.*" at the end of the sentence "*The Environment Agency has indicated that it is supportive of the carrying forward of the allocation given the opportunity it provides to assist in the provision of wider flood risk mitigation proposals in this area of the River Lowman.*"
- DM26, paragraph 4.88 – Recommend inserting the following: "*Green infrastructure functions can co-exist in one place, so the land coverage does not have to be extensive in every case, although developments should recognise that floodplain cannot necessarily provide year-round amenity access.*" or equivalent. This is becoming an increasing issue, where green infrastructure is allocated in the floodplain with little other year-round provision.
- DM26 – we also recommend noting in this section that '*developments incorporating green infrastructure will be required to submit management and maintenance details for the proposed green infrastructure*', or similar. This will ensure that the green infrastructure is protected and managed beyond initial construction/development.
- CU19 'Town Centre Relief Road' – We would advise adding the following text '*Any loss of floodplain at this location should be mitigated by the creation of additional/compensatory floodplain which should secure wider environmental and sustainability benefits including the provision of appropriate ecological and biodiversity enhancements.*

- Junction 27 - We would advise adding the following text *'Any loss of floodplain at this location should be mitigated by the creation of additional/compensatory floodplain which should secure wider environmental and sustainability benefits including the provision of appropriate ecological and biodiversity enhancements.*

We note that Natural England has not commented on the draft Local Plan. We strongly advise consulting Natural England, particularly in relation to the plan and its potential impacts on Natura 2000 sites (e.g. Culm Grassland Special Area of Conservation), to ensure that the proposed Local Plan incorporates all necessary detail at this stage.

Yours sincerely

Mr Steve Maddison MPhil CEng MICE
Sustainable Places Planning Specialist

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cc Jonathan Guscott