

Town & Country Planning (EIA) Regulations 2017
Secretary of State Screening Direction – Written Statement

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| Application name: | Southgate, Exeter, EX2 2HZ |
| SoS case reference: | PCU/EIASCR/Y1110/3332659 |
| Schedule and category of development: | Schedule 2, 10(b)(ii) Urban Development project of more than 150 dwellings. |

Full statement of reasons as required by 5(5)(a) of the 2017 EIA Regulations including conclusions on likeliness of significant environmental effects.

The Secretary of State has considered whether the above proposal is likely to have significant environmental effects. He has undertaken this screening, taking into account the criteria set out in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. In doing so he considers the main matters to be addressed for a development of this type are those set out in Planning Practice Guidance, for this planning proposal, as follows:

- Physical scale of such developments, potential increase in traffic, emissions, and noise.

Given the information available, the Secretary of State has also considered whether the above proposal is likely to have significant environmental effects in respect of the site's proximity to a number of sensitive designated sites and heritage assets in the locality, together with cumulative impact with regards to protected sites.

Schedule 3 selection criteria for Schedule 2 development refers:

1 (a) – (f) regarding characteristics of development

The approximately 1.5 ha brownfield site is proposed for up to 200 high-rise dwellings with highway works. The site has seen urbanisation and is allocated within the Core Strategy for housing development, which will lead to city centre densification.

The site slopes downwards from north to south and will need to be levelled at points during construction, this will result in physical changes to the landscape. The levelling will be stepped and respects the existing topography, linking the site with the surrounding built-up area.

The Council advise that the site is on the edge of the city centre, and it is therefore appropriate for a high-density development. The site is likely visible from the wider area due to the proposed height; however, it is common for taller developments in the city centre due to the topography rising towards the city centre and cathedral.

The Council conclude that given the surrounding urbanisation, the city centre location, and the matters set out in this assessment, it is not considered that the development will create significant environmental effects and all matters can be dealt with through appropriate mitigation at the application stage.

The redevelopment of the site will result in a change in the built form of the area. Whilst this will inevitably comprise a physical change to the locality, the addition of 200 dwellings and highway works in this urban context is not considered to have likely significant effects in this regard.

2 (a)-(c) (i) – (viii) regarding location of development

The site is dominated by a highway gyratory connecting Magdalen Street, Southernhay East, Western Way, South Street, and Holloway Street, at the centre of which is the Magdalen Street surface car park. The site also comprises of a building currently used as a night shelter for homeless people. The site forms part of the proposed allocation for 'South Gate', due to its location at the edge of the city centre. Nearby land uses include residential accommodation, offices, and hotels and the proposal is inkeeping with nearby uses.

The Council confirm the site is within an Air Quality Monitoring Area ("AQMA"). However, the proposal will be car-free and will not have significant impacts on the existing AQMA. The Council advise that part of the existing site is a car park, which will be removed and will see a significant reduction in on-site movements.

The site lies approximately 900m from the Bonhay Road Cutting Site of Special Scientific Interest ("SSSI"), although due to its nature as a cliff, there is no connectivity with the application site.

The site is also located 3.2km from the Exe Estuary Special Protection Area ("SPA")/Ramsar and is within its 10km protection buffer. Upon the Council's consultation with Natural England ("NE"), it was determined that there are potential likely significant effects on the Exe Estuary SPA/Ramsar. However, NE has not assessed the significance of any impacts on these designated sites or landscapes rather, they have understood there to be potential connectivity.

Recreational pressure from the development may impact the Exe Estuary SPA/Ramsar however, this impact may be controlled through the planning process or condition. Therefore, significant recreational pressure is considered to be unlikely. However, the Ramsar site also has connectivity to the wider area through species migration. The proposal will be accompanied by Species and Biodiversity surveys. The applicant has stated any impacts "if necessary, could be mitigated" therefore the surveys may inform the appropriate mitigation. NE, upon consultation, state there may be potential significant effects on the Exe Estuary. The estuary attracts over 20,000 bird flocks during wintering, which is vital for the functionality of the wider site. These populations may be significantly cumulatively affected by changing skylines with regard to their flightpaths following the connectivity between the proposal site and Exe Estuary. Therefore, NE conclude significant effects may be likely (see also section **Cumulative impacts** below) and it is advised that, due to the connectivity with the Exe Estuary SPA/Ramsar, NE should be consulted and sufficient information on the potential impacts of this proposal upon these designated areas should be submitted and mitigated within the planning application.

Eight Grade II Listed Buildings lie adjacent to the site, including: 39 and 40 Magdalen Street, 42 to 46 Magdalen Street, 49 and 50 Magdalen Street, Gateway to Palmer's Almshouses, the Exeter Eye Hospital, and the Higher and Lower End (Part of the Home of the Good Shepherd). Over 20 Grade II Listed Buildings lie in the site's vicinity. No Listed Building is intended to be physically impacted by the proposed development however, the applicant acknowledges there will be a change to the historic setting.

Collectively, the Exeter City Walls comprise a Schedule Monument, one section of which is located within the site boundary at the western end. There are two sections of the historic walls, one either side of Western Way, used as abutments for a modern footbridge. The proposed development does not require any works to the historic city walls or the footbridge.

The site is located within two separate, but adjacent, Conservation Areas ("CAs"). The site predominantly lies within the Southernhay and Frairs CA however, a small area to the west of the site falls within the Central CA (see section **Historic Heritage** below in respect of impacts).

3(a) –(e) regarding characteristics of potential impact

Historic Heritage

Almost the entire site is located within an Area of Archaeological Importance. The applicant argues the previously developed nature of the site indicates that significant archaeological impacts are unlikely.

In their screening assessment, the Council state all impact on Heritage sites and Areas of Archaeological importance will be acceptable through the planning process, including through exploratory work to assess the scheme and through massing design.

However, upon consultation with Historic England ("HE"), it is apparent that assets potentially significantly affected include: scheduled city walls and the relationship with the historic townscape and road networks; Exeter Cathedral and the impact of the scheme on the distinctive city skyline; the impact of the scheme on the conservation area including the radial routes, the historic access routes; the scale and mass of the surrounding Grade I, II*, and II Buildings; the relationship with the historic quay, the Grade II* Listed Colleton Crescent and the wider rural hinterland; and the Area of Archaeological importance. HE further notes the above is not an exhaustive list, other interactivity with Heritage assets following the proposal is likely. Further historic assets and the site's locational context have been delineated within the previous section regarding the site location.

The Devon Archaeological Society ("DAS") have requested a Screening Direction from the Secretary of State. They consider that the proposal area falls largely within the designated Area of Archaeological Importance (according to the 1979 Act), one of only six such areas in the country; sections of the Scheduled Ancient Monument 'Exeter City Walls' are incorporated in the site boundary and more are immediately adjacent; there are a number of Listed Buildings in the immediate area whose setting will be affected, including the Grade I listed Cathedral; and the whole area falls within two Conservation Areas. Within this context, DAS consider the proposal site contains one of the key historic approach routes to the city, in the shape of the South Gate and its environs – including the historical route ways of Magdalen Street and Holloway Street. Due to this historic prevalence, DAS place great importance on the likelihood for significant archaeological remains in the site. Further, the site provides great importance for the historic townscape such that a high level of sensitivity arises.

Based on the information provided, the extent of the impacts and given mitigation strategies regarding the Historic environment are not considered sufficiently clear at the screening stage. HE would expect the applicant carries out an examination of the potential impacts upon all heritage assets likely to be affected, including designated heritage assets and their settings, together with potential impacts on non-designated features of historic, architectural, archaeological, or artistic interest. These non-designated features may also be of national importance and make an important contribution to the character and local distinctiveness of an area and its sense of place. This should cover buildings, historic open spaces, historic features, and the wider historic landscape, including below-ground archaeology.

Overall, based on the available information and consideration of consultation with HE, it is not possible to conclude there are no likely significant impacts on the heritage receptors near the site. Due to the characteristic of the proposal, the impact on identified designated and non-designated above and below ground heritage assets may be significant. Therefore, EIA is required in this regard.

Landscape and Visual Impact

The Council confirm that the site is within a part of the city that has adjacent residential uses, public highways, and paths. The Council also advise that the site is on the edge of the city centre and is appropriate for a high-density development such as this.

There are key views from the site towards the nearby area of the hills surrounding Exeter (Landscape Setting Zone), however the overall design at application stage will be able to take into account the key viewpoints such as from the end of Southernhay.

The site is likely visible from the wider area due to the proposal's anticipated, yet undefined, height; however, taller developments are common in the city centre due to the topography rising towards the city centre and cathedral. The Council therefore consider the proposal is not out of character and such potential impacts can be fully assessed at application stage. The site will form the southern gateway entrance to the city and will be expected to provide exemplary design at application stage.

However, upon consultation with HE, it is considered that the proposal will alter the distinctive city skyline while impacting views towards Exeter Cathedral. This receptor is a key heritage and tourism asset. Due to the undefined height of the proposal, it is impossible to conclusively state the development will not be significantly visible to many people while disrupting key viewpoints.

Based on the available information, significant effects are considered likely in this regard.

Air Quality (Emissions)

The Council advise there is potential during the construction phase for pollutants however, it is considered that any appropriate remediation can be dealt with at application stage and via condition. The Council also advise that a Waste Audit Statement will be required in accordance with the policies of the Waste Planning Authority, to ensure that construction and operational wastes are managed in a sustainable manner.

The Council confirm the site is within an Air Quality Monitoring Area (AQMA). The proposal will be car-free and will not have significant impacts on the existing AQMA. The Council advise that part of the existing site is a car park, which will be removed and will see a significant reduction in on-site movements. The Council also say the highway reconfiguring will see careful assessment at application stage by DCC Highways to ensure there is no significant increase in traffic impacts to limit the number of idling vehicles.

Based on the information available, it is considered unlikely that the effects on the environment due to emissions would be on a scale considered to be significant.

Cumulative Effects (protected sites)

Each proposal should be considered on its own merits as Planning Practice Guidance (PPG) states. There are occasions, however, when other existing or approved development may be relevant in determining whether significant effects are likely as a consequence of a proposed development. PPG indicates that only existing or approved applications ought to be considered.

Following a desk-based study of Exeter's planning applications, there are no identified present or approved applications which may lead to cumulative effects with the proposed development.

However, as discussed within consideration of designated natural environment receptors, the Council advise there will be cumulative impacts on the Exe Estuary SPA and traffic generation during construction phase. This is due to existing development in the locality and, notably, the increasing city-centre densification. They clarify that in regard to the cumulative impact on Exe Estuary SPA, an appropriate contribution from CIL receipts and/or a financial contribution would be secured towards implementing the avoidance measures in the SE Devon European Sites Mitigation Strategy. However, given the location of development, there may be significant cumulative effects on the Exe Estuary following the proposal. Regarding the proposal's height, the Council notes the Exeter Density Study (2021) recommends increasing the density of development in the city centre, with a minimum of 150 dwellings per hectare in this location.

Accordingly, existing city-centre development has increased in height over recent years and there is potentially significant effect due to the cumulative impact from density on the connectivity of ecological systems, most notably the Exe Estuary. Consultation with NE highlighted the potential for significant effects, and upon assessment, it was concluded that flightpath connectivity for wintering bird species may constitute significant likely effects. Furthermore, upon consultation with HE, it was determined that the proposal's increased density may constitute cumulative effects on the distinctive historic skyline and the views of the cathedral. Therefore, the proposal may also lead to cumulative effects on heritage assets.

Regarding traffic impacts, the scheme proposes to improve vehicular movements through the area and construction traffic is of short-term duration and can be controlled through conditions at application stage. Based on the available information, significant cumulative impacts are considered unlikely in this regard.

Other matters

Given the mitigation proposed and having considered all the available information, there are no other issues amongst those not addressed above (e.g., wastes, use of natural resources, light pollution or health risks including risk of accidents) which indicate a likelihood of there being significant environmental effects from this proposal.

Overall conclusion

Given the Secretary of State's conclusions on the matters above, he considers that the potential impact of the proposal on the environment are likely to be significant. In reaching this conclusion the Secretary of State has had due regard to the screening request from the DAS, the Applicant's provided evidence, consultation with HE and NE, and the Screening Opinion produced by Exeter City Council.

Overall, having regard to all the available information, the Secretary of State concludes that there are potential significant effects on designated and non-designated above and below ground heritage assets and the visual impact of the proposal. Further, following consultation with NE, the effect of the proposal on the Exe Estuary SPA/Ramsar with respect to connectivity and specifically the flightpaths for wintering birds there may be significant cumulative effects. Further information and mitigation must be considered to determine the impact of the proposal on qualifying species and connectivity between sites. Ultimately, following the effect on heritage assets and the connectivity with the Exe Estuary, an EIA is, therefore, necessary.