

Mr Howard Smith
Exeter City Council
Development Management
Civic Centre Paris Street
Exeter
Devon
EX1 1JN

Our ref: DC/2022/122754/06-L01
Your ref: 22/1145/FUL
Date: 03 July 2023

Dear Mr Smith

**COMPREHENSIVE REDEVELOPMENT TO DELIVER A NEW, MIXED USE NEIGHBOURHOOD, COMPRISING DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF FOUR RESIDENTIAL-LED MIXED-USE BUILDINGS OF 2 TO 6 STOREYS, INCLUDING RETAIL, CAFÉ/RESTAURANT AND FLEXIBLE COMMERCIAL UNITS (CLASS E), RESIDENTIAL (CLASS C3) AND CO-LIVING (SUI GENERIS) ACCOMMODATION, PEDESTRIAN SQUARE AND PUBLIC REALM, AMENITY AREAS, LANDSCAPING, ACCESS, PARKING, SERVICING AND ASSOCIATED WORKS.
HAVEN BANKS WATER LANE EXETER DEVON EX2 8BY**

Thank you for re-consulting us on the above planning application.

Environment Agency position

Based on the information now submitted, and assuming your Authority is satisfied with the emergency planning implications associated with the application, we consider that the proposed development will be acceptable provided that:

- A financial contribution towards a safe access and egress route, and provision of a means to tie-in the development with it, (or other agreed emergency planning solution) are secured via a S106 Agreement; and
- Planning conditions are included within any permission granted in respect of:
 - Final levels and flood flow route;
 - Flood resistance and resilience measures;
 - Site investigation and remediation;
 - Piling; and
 - Unsuspected contamination.

The suggested wording for our recommended conditions is set out below, together with additional advice regarding flood risk. Please see our letter dated 14 October 2022 (our ref. DC/2022/122754/02-L01) for advice regarding contaminated land, pollution prevention and waste management.

Environment Agency
Sir John Moore House Victoria Square, Bodmin, Cornwall, PL31 1EB.
Customer services line: 03708 506 506
www.gov.uk/environment-agency

Cont/d..

Condition – Final levels and flood flow route

The development hereby permitted must not be commenced until such time as the detailed design of the external site levels, minimum floor levels and the proposed flood water passage route has been submitted to, and approved in writing by, the local planning authority. The agreed design shall be fully implemented prior to occupation and subsequently maintained over the lifetime of the development.

Reason: To reduce the impact of flooding to the site and ensure that there is no increase in risk to third parties.

Condition – Flood resistance and resilience measures

The development hereby permitted must not be commenced until such time as the detailed design of flood resistance and resilience measures for the whole site has been submitted to, and approved in writing by, the local planning authority. The agreed measures shall be fully implemented prior to occupation and subsequently maintained over the lifetime of the development.

Reason: To reduce the impact of flooding to the site and ensure that there is no increase in risk to third parties.

Condition – Site Investigation and Remediation

No development approved by this planning permission shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:

1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition – Piling

Piling or deep investigation boreholes using penetrative methods shall not be carried out other than with the written consent of the local planning authority. The development shall be carried out in accordance with the approved details.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Condition – Unsuspected Contamination

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reasons: To ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 174 of the National Planning Policy Framework.

Advice – Flood Risk

The revised proposals, Flood Risk Assessment (FRA), Flood Warning and Evacuation Plan and associated drawings are broadly acceptable with regard to flood risk. The FRA still contains some statements/assumptions that are based on the now outdated 2011 modelling, but we agree that the Design Flood Level is 8.38mAOD, with a minimum resident finished floor level/flood resilience level of 8.68mAOD.

We have accepted the Commercial development lower flood level provided that flood resistant measures (no higher than 0.6m) and flood resilience measures are implemented into the design, and your Authority is satisfied with the level of risk/hazards given the balance of other material considerations.

The matter which remains outstanding is related to the need for safe access and egress during the lifetime of the development. As set out previously in our letter dated 6 April 2023, consideration of the adequacy of emergency planning procedures falls within your Authority. We understand that your Authority is commissioning a study to look at options for this area, which will include considering whether it is feasible to create a strategic Southern Safe Access and Egress route. If this is the preferred option, we recommend that the route should be provided as soon as reasonably practical within the confines of the redevelopment of this area of Exeter.

We welcome the developer's willingness to engage in the creation of a strategic access/egress route, through appropriate contributions of land and finance. We are supportive of the general principle of this, but understand that specific details will need to be agreed before the application is granted. We are happy to provide any additional advice within our remit to support this process.

Please contact us again if you require any further advice prior to determining the application.

Yours sincerely

SARAH SQUIRE
Sustainable Places - Planning Advisor

Direct dial 0208 474 6316

Direct e-mail SPDC@environment-agency.gov.uk