Mr Howard Smith
Exeter City Council
Planning Services
Civic Centre Paris Street
Exeter
Devon
EX1 1JN

Our ref: DC/2023/123568/03-L01
Your ref: 23/1007/OUT

Date: 09 August 2024

Dear Mr Smith

DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AND RESIDENTIAL-LED MIXED USE DEVELOPMENT PROVIDING NEW DWELLINGS AND WORKSPACE, RETAIL, CAFÉ/RESTAURANT, COMMUNITY AND CULTURAL/LEISURE/EDUCATION/HOTEL USES AND ASSOCIATED INFRASTRUCTURE, INCLUDING VEHICULAR ACCESS, SERVICING, MOBILITY HUB, ENERGY PLANT; ALTERATION OF GROUND LEVELS; DRAINAGE AND PUBLIC OPEN SPACE; LANDSCAPING AND PUBLIC REALM WORKS; INCLUDING PEDESTRIAN AND CYCLE ROUTES, WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATIONS, WITH THE EXCEPTION OF ACCESS.
WATER LANE (SOUTH), EXETER

Thank you for consulting us on the above planning application.

Environment Agency position
We recommend that the application is not determined until you are satisfied that the risks associated with the contamination of the site have been fully assessed and the impacts of emissions from nearby energy plants, as well as any noise impacts, can be adequately addressed. We will be happy to review any further information submitted in relation to these topics in due course.

With regard to flood risk, we confirm that the additional information submitted is sufficient to enable us to remove our objection on flood risk grounds subject to conditions in relation to the detailed design of the measures to address flood risk and the phasing of the works.

Notwithstanding this, we remind you that your Authority will need to be satisfied with the emergency planning implications associated with the application and be content that the flood risk Sequential Test has been satisfied in accordance with the NPPF if you have not done so already.

The reason for our position in relation to flood risk and details of our suggested

conditions is set out below, together with our technical flood risk comments and advice on contaminated land and emissions and noise impacts.

Reasons – Flood Risk
Overall, the submitted information technically shows that a carefully designed scheme is feasible, in that in terms of flood risk a development can be designed to be safe from flooding over its lifetime and not increase flood risk to third parties. However, there are a few concerns with elements of the outline design that will need to be resolved during the detailed design stage. This includes the compensatory flood storage area and its impact on SUDS and surface water risk; the impact of the flood conveyance routes on the underground SUDS; ancillary More Vulnerable/Water compatible uses on the ground floors; and control of roughness, shape of buildings, street furniture for the above ground flood conveyance route.

The proposal to facilitate (with land) and link into a future strategic Safe Access and Egress route is welcomed. As you are aware from discussions in relation to other development sites within the vicinity of Water Lane, consideration of the adequacy of emergency planning procedures falls with your Authority. We understand that your Authority is still looking at options for this area, which will include consideration of whether it is feasible to create a strategic Safe Access and Egress route that would serve this area of Exeter. 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. Your Authority will need to decide whether it is reasonable for the developer to financially contribute to the provision of this strategic access and egress route.

In our previous letter (our ref. DC/2023/123568/01-L01, dated 11 October 2023) we raised the issue that some of the application drawings/illustrative views do not show the required ground/floor raising. We do need to highlight that this has not been resolved. We therefore reiterate that consideration of the visual appearance of the site by decision-makers may not be properly informed by the current drawings/documents.

However, we confirm that the scheme proposes numerous measures to mitigate the flood risks to the new development and the impact of the site on third parties. We accept the principles and outline design of the following measures: -

1. No residential usage on ground floors (inc. services and utilities that serve them);
2. All More Vulnerable uses will have a minimum finished floor level (FFL) of 300mm above the design flood level (DFL);
3. Ground Floor usage will be Less Vulnerable uses and have a maximum 500mm depth of internal flooding during the Design Flood, and Flood Resistant/Resilience measures will be installed up to the DFL;
4. All buildings will be connected to the site's overall Safe Access and Egress Route, and to the wider strategic route, which will be above the DFL;
5. The current flood conveyance route along Water Lane will remain at the same road height/width (unless otherwise agreed);
6. Tan Lane Area – Buildings, road/pavements and public realm will be shaped/levelled to provide a designed flood conveyance route;
7. Central Area – A new flood conveyance route will be provided through the area;
8. Southern Area – A compensatory flood storage area will be provided, and all buildings will have a Water Compatible uses on the ground floor.

At the reserved matters stage, updated flood modelling will be required to inform the detailed design of several elements (site/building design and mitigation measures), and the final design will need to be justified via a FRA addendum. These elements include

the shape of buildings, road layout/levels, ground levels, minimum FFLs and creation of the flood conveyance route (above and below ground). The detailed design of these elements will have significant impacts on other planning aspects, which will need to be designed/fully considered at the same time as the flood risk elements. It may be difficult to agree with all interested parties at the detailed design stage, because they may have conflicting concerns/interests. However, we strongly state that the flood risk concerns must form the foundation of any other detailed designs.

With the above in mind, we consider that Planning Conditions will be needed in relation to the following topics to ensure the proposed development is safe from flooding and not increase flood risk to third parties: -

A - Before any construction/earth works start on site, the detailed design of the whole site ground floors, site levels, min. FFLs and flood mitigation measures will need to be fully revised following updated flood modelling and an FRA addendum which will be approved by the LPA. This will need to fully cover the following: -

1. The updated flood modelling/FRA will need to show no increase in flood risks to third parties by providing fully designed flood conveyance routes and compensatory flood storage area(s). This will control building positions, their shapes, exact locations, and the surrounding road/street design (inc. pavements, street furniture and open spaces etc). The detailed design of the buildings and road elements will need to be finalised after the discharge of the flood risk conditions, and not conflict with the flood risk principles.
2. The revised modelling will then set the Design Flood Level (DFL) and minimum FFLs for all buildings, based on their vulnerability (in line with NPPF annex 3) with an updated table similar to Table 6-1 & 7-1 in the FRA (rev B 15/05/24). More Vulnerable uses will need to be at least 300mm above the DFL, Less Vulnerable uses will have a maximum of 500mm flooding (with flood resistant and resilience measures up to the DFL plus 300mm), and Water Compatible uses will be as high as possible (with justification for the proposed FFLs) and full appropriate flood resistant/resilience measures up to the DFL.
3. All buildings will clearly show a link to the site's overall Safe Access and egress routes, which will be above the updated flood modelling levels (point 2).
4. The revised modelling and FRA will need to fully consider phasing of the construction works. Each 'area' of the site will need to demonstrate that appropriate mitigation measures can be put in place to resolve flood risk.
5. The proposed compensatory flood storage area (southern area) must not increase the frequency of surface flooding to the nearby buildings and must be suitable drained for rainfall events.
6. All Flood Resistance and Resilience measures for each building and vulnerability type will be fully designed, agreed and in line with the current recommendations from the Defra/EA document 'Improving the Flood Performance of New Buildings – Flood Resilient Construction'.
7. The Flood Conveyance routes will need to have legal agreements arranged (including being register on DCC asset register) and ownership/maintenance plans agreed.
8. A mechanism will need to be secured to prevent any future street furniture within the flood conveyance route or the part of Water Lane within the site, which compromises the flood flow characteristics.

B - Before any construction/earth works start on site, the phasing of the site will be fully approved by the LPA. The phasing will need to be compliant with the revised flood modelling (see condition A) and all necessary flood mitigation/conveyance elements built within each phase.

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Technical Flood Risk Comments
Our technical flood risk comments on various aspects of the proposal are set out below.

Hydraulic Modelling Report (HMR – first issued 26 June 2024)
The flood modelling report and FRA demonstrate that in three key areas (Tan Lane, Central & Southern Areas) crucial flood compensation works are required in the site design to ensure that flood risks are not increased to third parties. The current modelling results are based off the outline design, and any changes during the detailed design require full re-modelling of their impact and the necessary compensatory measures.

Tan Lane Area
Strict control in this area is required over the shape of the ground floor of all buildings (M1, K1 & L1) and the position, level and shape of the road/street layout. The road impact also includes pavements and open space areas etc. The flood modelling shows an outline design in figure 16 (HMR) and drawing 332310057-5503-001 Concept Site Access, which show the required building/road shapes and level of the road (max height of 8.4mAOD between K1 and L1), plus the entrance into Water Lane (remaining at the same level as current).

Central Area (Buildings H1 – D1)
A Flood Conveyance route needs to be created to ensure no increase in flood risk to existing third parties. The design of the route will control the design of the landscaping, street design (including furniture and fixtures), outdoor commercial space usage/design and impact highway design (shape, gradient and levels, including kerbs). A concept of the route is shown on figure 17 (FMR) along with the side connection 'gullys', with a mixture of above ground and culverted (4mx1m) features. There is no flow capacity provided in the reports, and this will need to be remodelled and agreed at detailed design stage.

Southern Area (Buildings D1 – A1)
A flood compensation area (lowered land) has been built into the flood modelling, which lowers land levels to 5.6mAOD (below the surrounding areas). However, an overall volume figure has not been provided. The plan is a little unclear on whether the inside of buildings is included in the flood compensation area or not. We are unable to accept the inside of buildings being included in the flood compensation volumes. There would be no control or very difficult enforcement of any legal agreement to keep the internal space available for flooding.

We also have concerns over the proposed 'Water Compatible' usage on the ground floor. The definition and acceptable uses are set out in Annex 3 of the NPPF. The proposed 'leisure usage' is very unclear, and car parking is defined as less vulnerable. We can only accept water compatible uses in this location that are listed in Annex 3. All the ground floors will also require flood resistance measures to be installed up to the design flood level.

The upper storeys of these buildings are residential, which is in line with the site overall flood strategy, however the upper storeys need to be permanently linked to the safe access and egress route. We will not be able to accept any residential usage on the ground floor or any ancillary residential functions such as utilities, plant rooms, storage etc. We can accept entrance lobbies, bin storage and simple bike stores, if it is justified that they cannot be located at a higher site level.

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We also have concern that the design for this flood compensation area has not been considered fully in relation to surface water flood risk or the site's drainage. This area will be a 'bowl', and readily collect rainfall/runoff during a storm, increasing the risk and frequency of flooding to the ground floors.

Advice – Contaminated Land
We have reviewed the Interpretive Desk Study Report. Date: December 2022. Report Reference: GJ176(04)-R001-DTS-V1 and the Ground Investigation Scope June 2024. Report Reference: GJ176-06-R001-GI Scope-V submitted in support of this application. We agree that, given the industrial site history, ground investigation works are required to ensure that all potential contamination sources are assessed, and all significant pollutant linkages identified, prior to the construction of the proposed development as stated in section 4.1 report.

We understand that the applicant has agreed to undertake more intrusive contamination testing at this stage. We are supportive of this approach and look forward to reviewing additional information in due course.

Advice – Emissions and Noise Impacts
We note that the application does not appear to include any evaluation of the impacts of emissions associated with Conrad Energy Plant and Whitetower Energy Plant, the reason given being 'insufficient publicly accessible information'. We advise that the applicant should contact the operators to fully assess the emissions from these sources. Furthermore, noise pollution should be considered, and a noise impact assessment should be completed. Construction designs should consider and mitigate noise pollution where possible.

Please contact us again if you require any further advice.

Yours sincerely

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