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Filtered Data Export

7

Full name: Sara Davies

Organisation (where relevant): Lymptstone Water Quality Group

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: 7

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:

The absence of any policy on water quality and biodiversity in this chapter is a major omission. It is well known that extreme weather caused by climate change is having a significant impact on water quality and biodiversity, and these issues must be considered in a strategy to adapt to climate change (alongside flood risk). This omission highlights the fact that the Sustainability Appraisal is flawed and, therefore, the Local Plan is not legally compliant.

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Include a policy on water quality and biodiversity in this chapter - recognising the need for integrated water management to adapt to climate change effectively (see <https://catchmentbasedapproach.org/wp-content/uploads/2018/09/Planning-Advice-Note.pdf>). Review and improve the Sustainability Appraisal, particularly in relation to water quality, and ensure this is used effectively in this final stage of the Local Plan development.

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: As stated

above, the absence of a policy on water quality and biodiversity in this chapter is a major omission, and demonstrates that the Local Plan is not sound. There is also no evidence in the 'Evidence Library' on water quality despite a growing body of national and local data, reports, and guidance on water quality and the need for an integrated water management approach to climate change (considering flood risk, water quality, and biodiversity).

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: As stated in 2(c).

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter fails to comply with the duty to co-operate. Please be as precise as possible.: The omission of water quality and biodiversity in this chapter strongly indicates a lack of effective co-operation on environmental protection and infrastructure planning to adapt to climate change.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: To highlight the findings of our catchment-based water quality project in Lymptone on the Exe Estuary and our consultations with national specialists and other community groups. We believe the draft East Devon Local Plan is not sound or legally compliant. It has not considered a major body of evidence at national and local levels on water quality, does not follow national policy and guidance, and does not address local priorities.

7.1

Full name: John Loudoun

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.:

7.1

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Chapter 7 Submissions for planning should not only consider the impact on the development itself but also the wider community. They should also be informed by likely climate change impacts. For example, in Sidm_34, the developers state that the risks from flooding to occupants of the new houses would be very low. However, they fail to state that the risk to surrounding houses would be very high, as run off from the development would be discharged onto the A375 which already has frequent flooding events, and into the Mill Leat, which is already at capacity during normal rain event, never mind the intensity of rain events that are predicted to occur. Weather records indicate that the amount of annual rain is increasing and the occurrence of severe weather events such as extremely heavy rain is increasing. Plans need to recognise this evidence and respond to forward climate patterns. Plans need to be informed by the climate change predictions by organisations such as the Exeter based Met Office. Flood risks are increasing, are extremely stressful for those who now find themselves in flood risk areas (even if they were not historically) and includes the risk of surface water, and coastal flooding as well as rising river levels. New developments should not make a rising tide of risks even more extreme for those in the vicinity of such developments and should not be permitted.

Full name: Robert Jones

Organisation (where relevant): River Otter Fisheries Association

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.:

7.1

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: CHAPTER 7
– ADAPTING TO CLIMATE CHANGE

This policy is focused solely on flooding but contains no mention of foul sewer surcharges arguably also exacerbated by climate change producing increased number and severity of rainfall events.

EDDC should amend this policy to recognise this problem and thus adopt policy which requires diversion of roof and rainwater from foul sewer systems. Combined sewers should be identified within areas close to proposed developments to enable the separation of those systems as a pre-requisite and condition of further local development.

Full name: Nathan Price

Organisation (where relevant): Tetlow King Planning

Other party name (if relevant): South West Housing Association Planning Consortium

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.:

7.1

3(a). If yes, and you wish to support the soundness of this part of the Adapting to Climate Change chapter, please use this box to set out your comments.: The Housing Associations of the SWHAPC recognise the critical role that they play in ensuring that residents have safe, secure and efficient homes that are future proof. Promoting sustainable development is the core objective of the plan system and it is important that all new developments continue to support this aim. This was emphasised in the Written Ministerial Statement on energy efficiency and environmental standards from December 2023. However, we urge the Council to carefully consider how these policies might affect the viability of development, as they could potentially limit the availability of affordable housing in East Devon. Climate change policies should be carefully considered against Building Regulations and the Future Homes Standard 2025 to avoid duplication and any potential inconsistencies.

Full name: Harriet Fuller

Organisation (where relevant): Environment Agency

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.:

7.1

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

4. Level 2 Strategic Flood Risk Assessment (SFRA) We welcomed the opportunity to engage with you on the preparation of the Level 2 SFRA evidence base. However, there are still five sites that require Level 2 SFRA and as highlighted above, we consider that without such assessment, at present, we consider the plan unsound. We will provide comments on these sites (Brcl_26/WS11, Clge_25a/WS15, Clho_09/WS07, GH/ED/72a and Whim_08,) once work has been completed. Comments on other SFRA L2 sites are outlined below:

- Axmi_17 (Appendix H): Under ‘Exception Test’ there is a statement about passing part B of the exception test. It would be more accurate to say that the SFRA L2 has demonstrated that it could be possible [to pass part B of the exception test] subject to detailed layout of the site.

- Whim_11 (Appendix Q) We support the approach set out in the ‘key messages’ section in the Detailed Site Summary Table: “Should development be proposed within areas at risk detailed flood modelling should be undertaken within a site-specific FRA. Any development within Flood Zone 3 should be allocated as an undeveloped open space corridor, and not as gardens, car parking or other features associated with individual plots.” However, the second sentence should read “Any development within Flood Zone 3 must be allocated as an undeveloped open space corridor...”. It would be preferable for this requirement to be built into the policy itself, as with SD09.

Full name: Harriet Fuller

Organisation (where relevant): Environment Agency

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.:

7.1

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

1. Soundness In accordance with Paragraph 36 of the NPPF, plans are only considered 'sound' if they meet all four elements of the tests of soundness. We consider the plan satisfies the 'positively prepared' and 'effective' elements of the NPPF's tests of soundness. However, due to the incorporation of five allocated sites affected by sources of flooding which are not included in the level 2 SFRA, and in the absence of the Water Cycle Study which is a key evidence base document for the strategic delivery of growth in East Devon, we consider that this brings into question the soundness of the plan in relation to it being 'consistent with national policy' and 'justified', respectively, on these matters and whether these sites (and therefore the plan) can deliver the type and quantum of development currently proposed. National policy states in Chapter 14 in paragraph 170 states: "Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere." and paragraph 171 states: "Strategic policies should be informed by a strategic flood risk assessment and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards." We are mindful that your authority intends to publish the Water Cycle Study, marked 'to follow' on your website. As you will be aware, the study uses data and evidence to understand environmental and infrastructure capacity issues and opportunities to identify the delivery of integrated cost-effective solutions. There is more detail on these two pieces of evidence below in sections 4 and 5.

Full name: Mr Simon Croft

Organisation (where relevant): South West Water

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.:

7.1

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Adapting to Climate Change chapter, please use this box to set out your comments.: The recognition of the critical need for development to be adaptable and resilient to climate change is a fundamental issue that has been incorporated into the proposed Local Plan. In terms of the considerations highlighted within SWWs previously submitted comments under the Regulation 18 consultation, the proposed plan incorporates measures both for managing/mitigating climate related changes to water consumption behaviours (Water efficiency standards, Urban Greening Factor, increasing tree canopy cover, etc.), and managing surface water sustainably and effectively. In terms of these highlighted material planning considerations, SWW advise the proposed Local Plan is sound.

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: Yes

4(a). If yes, and you wish to support this part of the Adapting to Climate Change chapter's compliance with the duty to co-operate, please use this box to set out your comments.: In terms of liaising and cooperating with the Statutory Water & Sewerage Undertaker on water and drainage material planning considerations, South West Water consider East Devon District Council to have fulfilled its Duty to Cooperate.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

7.4

Full name: Harriet Fuller

Organisation (where relevant): Environment Agency

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.:

7.4

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

5. Water Quality, Water Resource and Housing We recognise that your authority has incorporated the recent increase in housing numbers into the draft plan. This results in increased pressures in different wastewater treatment catchments. We acknowledge that SWW are working to produce the Cycle 2 Drainage and Wastewater Management Plans (DWMP) which will be an important evidence base for the Water Cycle Study (WCS). However, the timing of these plans does not align with emerging local plan. Therefore, it is essential that your authority liaise with/discusses with South West Water about what the implications of the increased housing numbers will have on their investment planning. The WCS will need to provide the evidence base and demonstrate that the additional growth and distribution strategy proposed in the emerging local plan will be aligned to water company investment planning, and not result in adverse impacts on the water environment. The WCS should carefully consider the implications of increased development on the status (including water resource) and quality of waterbodies in the district. We highlight that the WCS should consider the additional implications for the sewerage network with regard to the impact on combined sewer overflows (CSOs). We provided detailed information on the current condition of the water environment at the regulation 18 stage of the plan which should be fed into the WCS also.

7.7

Full name: Richard John Eley

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Paragraph

1(a). Please write down the paragraph, policy or figure number that your representation relates to.:

7.7

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:

I do not think the reference to the University of Plymouth is relevant or warranted. Plymouth asked EDDC to cooperate with their study, and perhaps EDDC was flattered to be invited to participate. But this is not a reason for siting this particular study in the draft Local Plan.

Perhaps fortunately, the Plymouth study (which I believe was conducted in 2017) is already somewhat discredited and the methodology has been widely criticised. Specifically, the predictions for Sidmouth, which were very alarming, have not proved to be accurate, as erosion has occurred at a much lower rate than Plymouth anticipated. It is still early days, of course, but it already seems inappropriate to give any greater importance to the Plymouth study than to the many others that have been delivered over the years. The SMP predictions have proved to be much more accurate thus far.

In my opinion, the Plymouth reference should be deleted and should not be part of a Local Plan.

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: See above.

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Adapting to Climate Change chapter, please use this box to set out your comments.: Apart from the inclusion and over-emphasis upon the Plymouth report, the chapter is balanced and well written.

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: Yes

4(a). If yes, and you wish to support this part of the Adapting to Climate Change chapter's compliance with the duty to co-operate, please use this box to set out your comments.: The overall policy is in line with other coastal authorities.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

AR01

Full name: Dee Woods

Organisation (where relevant): Otter Valley Association

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Policy AR01 C is oddly worded: instead of 'space for SuDS' this should require SuDS, and include minimal hardstanding in development design.

Full name: Nicola Wilson

Organisation (where relevant): Devon County Council

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: DCC as Lead Local Flood Authority (LLFA) is supportive of Strategic Policy AR01: Flooding. It is suggested that Point F within Policy AR01 is reworded from “...Culverting should be opposed” to “Culverting should be opposed unless strictly necessary”. It is noted in some of the site assessments that the wording suggests these may have not been updated since the most recent SFRA was published. East Devon District Council should ensure these are reviewed following the publication of the SFRA and new Environment Agency National Assessment of Flood Risk and National Coastal Erosion Risk maps. It is our understanding that East Devon District Council will provide an addendum to the SFRA when the Environment Agency’s flood zone mapping is finalised and published. DCC is supportive of this approach. DCC considers that detailed site assessments and design considerations relating to surface water drainage can be addressed at planning application stage, and DCC’s Flood and Coastal Risk Management Team will be happy to provide further details for this at the appropriate time.

Full name: Bethan Haigh

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Vistry Group

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: We support the principle of a flooding-related policy, however, we consider the policy wording to lack in flexibility and is overly onerous to the development industry, without appropriate justification.

Criterion a) requires development proposed in a flood risk location from any source to demonstrate that there is no sequentially preferable location for development. We consider that additional clarification is required to ensure this policy aligns with the NPPF. Planning applications will be determined against their compliance with the most up to date National Guidance and PPG. In respect of sequential tests (ST), it is clear that these are only required to be undertaken in instances where build development/land rising/access or egress/internal road layout are located within areas at risk of flooding (from all sources). A ST is not required where POS is located within areas at risk of flooding. We consider that additional clarity is required to ensure this policy is not ambiguous to the decision-maker.

We disagree with Criterion c) requirement regarding delivering developments which result in a lower than greenfield run off rate. We have reviewed the 'Sustainable Drainage System – Guidance for Devon', which states that "for developments on greenfield sites, runoff rates post development should never exceed greenfield runoff rates for the same return period event." There is no requirement for developments to deliver a lower greenfield run off rate. Whilst we support an encouragement for developments to deliver a betterment in respect of greenfield run off rates, DCC guidance is clear that this is not a requirement, rather, existing greenfield run off rates shall not be exceeded. We propose that the policy is reworded accordingly, as currently worded it is not justified and not supported by proportionate or robust evidence.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: Criterion a) - We consider that additional clarity is required to ensure this policy is not ambiguous to the decision-maker.

Criterion c) - We propose that the policy is reworded accordingly, as currently worded it is not justified and not supported by proportionate or robust evidence.

Full name: Bethan Haigh

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Taylor Wimpey UK Ltd. C/O Boyer

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

2.74 We object to the following criteria within this policy, which is not effective and therefore unsound.

2.75 Criterion a) requires development proposed in a flood risk location from any source to demonstrate that there is no sequentially preferable location for development. We consider that additional clarification is required to ensure this policy aligns with the NPPF (2023). Whilst it is acknowledged that this Draft LP is likely to be examined against the previous NPPF (2023), planning applications will be determined against their compliance with the most up to date NPPF and NPPG. In respect of sequential tests (ST), these are only required to be undertaken in instances where build development/land rising/access or egress/internal road layout are located within areas at risk of flooding (from all sources). A ST is not required where POS is located within areas at risk of flooding. We consider that additional clarity is required to ensure this policy is not ambiguous to the decision-maker and therefore effective and sound. Further revisions to flood risk guidance are also expected to be published by the Government in the coming months and this policy should take account of this.

2.76 Criterion c) requires “ensuring that space is provided on all development sites for the inclusion of SuDS designed to reduce the volume and rate of runoff to less than greenfield rates, as informed by the ‘Sustainable Drainage System – Guidance for Devon’. Surface water run-off should be managed as close to the source as possible.” We have reviewed the ‘Sustainable Drainage System – Guidance for Devon’, which

states that “for developments on greenfield sites, runoff rates post development should never exceed greenfield runoff rates for the same return period event.” There is no requirement for developments to deliver

a lower greenfield run off rate. Whilst we support an encouragement for developments to deliver a betterment in respect of greenfield run off rates, DCC guidance is clear that this is not a requirement, rather, existing greenfield run off rates shall not be exceeded. Notwithstanding this, the policy should clarify if the greenfield rates referenced in this draft policy are based on impermeable area or developable area. It should also be noted that you cannot reduce volume of runoff on a greenfield site unless there are soakaways, this policy must be updated accordingly.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

2.77 We propose that the policy is reworded accordingly, as currently worded it is not justified and not supported by proportionate or robust evidence.

Full name: Simon Coles

Organisation (where relevant): CarneySweeney

Other party name (if relevant): C R Down Farming Ltd and Stuart Partners Ltd

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

CarneySweeney acts for CR Down Farming Ltd and Stuart Partners Ltd in connection with land south of A3052 and east of A376, Clyst St Mary, East Devon.

The following requirements are not justified and set a requirement over and above the approach in the Framework.

- Assessment of land within 5 metres horizontal distance of Flood Zone 2.

- Identifying wider community flood risk benefit.

The delivery of over-sized SuDS and partnership financial contributions should have been considered in the site allocation process. They have not been viability tested and could impact on scheme viability.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Delete the above requirements.

Full name: Jess Perminter

Organisation (where relevant): CarneySweeney

Other party name (if relevant): CR Down Farming Ltd and Stuart Partners Ltd

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: The following requirements are not justified and set a requirement over and above the approach in the Framework.

- Assessment of land within 5 metres horizontal distance of Flood Zone 2.
- Identifying wider community flood risk benefit. The delivery of over-sized SuDS and partnership financial contributions should have been considered in the site allocation process. They have not been viability tested and could impact on scheme viability.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Delete the above requirements.

Full name: Alex Munday

Organisation (where relevant): Kitchener Land and Planning

Other party name (if relevant): Mr Lillie and Ms Blundell

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Alexander Munday of Kitchener Land and Planning (KLP) on behalf of Mr Lillie and Mrs Blundell

It is clear that Criterion A of draft Policy AR01 seeks to apply the sequential and exception tests to all development proposals in areas at risk of flooding from any source. Whilst that very strict policy approach was consistent with the previous version of the Framework, in December 2024 there was a change to paragraph 175 which updated the approach to the sequential test. This is copied below for convenience:

“The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).”

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: We understand that further changes to the related section of the Planning Practice Guidance on Flood Risk are also due to be published imminently. Once this has been published a full review of draft Policy AR01 should be undertaken to ensure that it is compatible with the most up to date national policy and guidance.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Strategic Policy AR02 requires the 'optional' standard of 110 litres per person per day from Part G of the Building Regulations as the baseline figure to be applied to all development, as opposed to the baseline requirement of 125 litres per day, also within Part G of the Building Regulations. The policy is not justified. The Draft Plan references a Water Cycle Study which provides evidence to justify the stricter requirements. This is not available in the evidence base. We request that this be provided so that an appropriate assessment of the 'sound-ness' of Policy AR02 can be undertaken. Should this not be justified through the Water Cycle Study, we propose the omission of this policy as the requirements are already established within Building Regulations. This would be in line with the sentiment of paragraphs 13 and 25 of the Government response to the proposed plan-making reforms: consultation on implementation (27 February 2025) HSE, which seeks to avoid 'unnecessary duplication' with national policy. The Landowner, therefore, objects to this policy.

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: Yes

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: Yes

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

9.34 DWH objects to Policy AR01, as they consider that it is not a justified proposition. Specifically, their concerns are: ? As drafted, the Policy seeks to ensure that space is provided on all developments for the inclusion of SuDS that are designed to reduce the volume and run off rate to less than greenfield run off rates. The Devon County Council Guidance is highlighted as providing the justification for this requirement. However, it appears that the guidance has been misunderstood. Instead, the guidance states that development “runoff rates post development should never exceed greenfield runoff rates for the same return period event,²⁶” (our emphasis) rather than ensuring rates are less than the greenfield runoff rate. ? In addition, other than in circumstances where infiltration and soakaways are provided, it will not be practicable to reduce the volume of runoff to below that of a greenfield site. This is reflected in guidance provided by Devon County Council, which states that “for developments on greenfield sites, the volume of surface water runoff discharged off-site in the 1 in 100 year, 6 hour rainfall event, must never exceed the greenfield runoff volume for the same event²⁷.” Such an approach relies upon ‘long term storage,’ which is a very different calculation to the proposed policy wording. ? As drafted, the Policy opposes the use of culverting in any situation, regardless of how minor the watercourse may be. Whilst the intent is understood and on the whole supported, its strict application might require clear span bridges over shallow and narrow field ditches, which ordinarily, might require a small 225mm pipe culvert to enable footway/cycleway/road crossings.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: Suggested changes

9.35 To remedy these soundness concerns, the Policy should be reworded as follows: “C. Ensuring that space is provided on all development sites for the inclusion of SuDS designed to ensure rates of runoff do not exceed greenfield rates and that runoff volumes are managed in accordance with the latest guidance issued by the Lead Local Flood Authority.” reduce the volume and rate of runoff to less than greenfield rates, as informed by the ‘Sustainable Drainage System – Guidance for Devon’³¹. Surface water run-off should be managed as close to the source as possible. Preference will be given to systems that reduce pollution risks and contribute to the conservation and enhancement of biodiversity and green infrastructure where practicable. Within Critical Drainage Areas, SuDS should result in a reduction of existing runoff rates.” And “F. Where appropriate, the opportunity for Natural Flood Management in rural areas, SuDS retrofit in urban areas and river restoration should be maximised. Wherever practicable, culverting should be opposed, and day-lighting existing culverts promoted through new developments.”

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: Yes

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: The Cherwell Group objects to Policy AR01, as they consider that it is not a justified proposition.

Specifically, their concerns are:

As drafted, the Policy seeks to ensure that space is provided on all developments for the inclusion of SuDS that are designed to reduce the volume and run off rate to less than greenfield run off rates. The Devon County Council Guidance is highlighted as providing the justification for this requirement. However, it appears that the guidance has been misunderstood. Instead, the guidance states that development “runoff rates post development should never exceed greenfield runoff rates for the same return period event [Section 5.4]” (our emphasis) rather than ensuring rates are less than the greenfield runoff rate.

In addition, other than in circumstances where infiltration and soakaways are provided, it will not be practicable to reduce the volume of runoff to below that of a greenfield site. This is reflected in guidance provided by Devon County Council, which states that “for developments on greenfield sites, the volume of surface water runoff discharged off-site in the 1 in 100 year, 6 hour rainfall event, must never exceed the greenfield runoff

volume for the same event [Section 5.5].” Such an approach relies upon ‘long term storage,’ which is a very different calculation to the proposed policy wording.

As drafted, the Policy opposes the use of culverting in any situation, regardless of how minor the watercourse may be. Whilst the intent is understood and on the whole supported, its strict application might require clear span bridges over shallow and narrow field ditches, which ordinarily, might require a small 225mm pipe culvert to enable footway/cycleway/road crossings.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: To remedy these soundness concerns, the Policy should be reworded as follows:

“C. Ensuring that space is provided on all development sites for the inclusion of SuDS designed to ensure rates of runoff do not exceed greenfield rates and that runoff volumes are managed in accordance with the latest guidance issued by the Lead Local Flood Authority.” Surface water run-off should be managed as close to the source as possible. Preference will be given to systems that reduce pollution risks and contribute to the conservation and enhancement of biodiversity and green infrastructure where practicable. Within Critical Drainage Areas, SuDS should result in a reduction of existing runoff rates.”

And

“F. Where appropriate, the opportunity for Natural Flood Management in rural areas, SuDS retrofit in urban areas and river restoration should be maximised. Wherever practicable, culverting should be opposed, and day-lighting existing culverts promoted through new developments.”

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.

Full name: Stuart Houlet

Organisation (where relevant): PCL Planning Ltd

Other party name (if relevant): Waddeton Park Limited (Honiton)

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

Requirement B of this policy introduces a requirement “For areas within 5 metres horizontal distance of Flood Zone 2, where there is no detailed modelling, assessment of this Zone with climate change will need to be undertaken in accordance with the most up-to-date Environment Agency hydrology, hydraulic modelling and flood risk mapping.” This appears to directly contradict national policy given such areas will include areas within Flood Zone 1 where the level of assessment is not required and sites of less than 1ha would not require a Flood Risk Assessment in any case. Furthermore, this policy states that the flood resilient goal of the policy will be achieved by “Ensuring that space is provided on all development sites for the inclusion of SuDS...”. Whilst supporting the delivery of SuDS as the preferred drainage solution is appropriate (and consistent with national policy), requiring them on all sites is unreasonable as this will prevent the delivery of sites where SuDs are not feasible. The policy should instead reference the drainage hierarchy so it is clear that there is some flexibility where it is demonstrated SuDs are not possible.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Policy AR01 should be modified so that it is in line with national policy in respect of the need for flood risk assessment and the encouragement of SuDs.

Full name: Stuart Houlet

Organisation (where relevant): PCL Planning Ltd

Other party name (if relevant): Waddeton Park Limited (Honiton)

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

Requirement B of this policy introduces a requirement “For areas within 5 metres horizontal distance of Flood Zone 2, where there is no detailed modelling, assessment of this Zone with climate change will need to be undertaken in accordance with the most up-to-date Environment Agency hydrology, hydraulic modelling and flood risk mapping.” This appears to directly contradict national policy given such areas will include areas within Flood Zone 1 where the level of assessment is not required and sites of less than 1ha would not require a Flood Risk Assessment in any case. Furthermore, this policy states that the flood resilient goal of the policy will be achieved by “Ensuring that space is provided on all development sites for the inclusion of SuDS...”. Whilst supporting the delivery of SuDS as the preferred drainage solution is appropriate (and consistent with national policy), requiring them on all sites is unreasonable as this will prevent the delivery of sites where SuDs are not feasible. The policy should instead reference the drainage hierarchy so it is clear that there is some flexibility where it is demonstrated SuDs are not possible.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Policy AR01 should be modified so that it is inline with national policy in respect of the need for flood risk assessment and the encouragement of SuDs.

Full name: Stuart Houlet

Organisation (where relevant): PCL Planning Ltd

Other party name (if relevant): Waddeton Park Limited (Honiton)

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: [Submitted on behalf of Waddeton Park Limited (Honiton)]

Requirement B of this policy introduces a requirement “For areas within 5 metres horizontal distance of Flood Zone 2, where there is no detailed modelling, assessment of this Zone with climate change will need to be undertaken in accordance with the most up-to-date Environment Agency hydrology, hydraulic modelling and flood risk mapping.” This appears to directly contradict national policy given such areas will include areas within Flood Zone 1 where the level of assessment is not required and sites of less than 1ha would not require a Flood Risk Assessment in any case.

Furthermore, this policy states that the flood resilient goal of the policy will be achieved by “Ensuring that space is provided on all development sites for the inclusion of SuDS...”. Whilst supporting the delivery of SuDS as the preferred drainage solution is appropriate (and consistent with national policy), requiring them on all sites is unreasonable as this will prevent the delivery of sites where SuDS are not feasible. The policy should instead reference the drainage hierarchy so it is clear that there is some flexibility where it is demonstrated SuDS are not possible.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have

identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: Policy AR01 should be modified so that it is inline with national policy in respect of the need for flood risk assessment and the encouragement of SuDs.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: To elaborate on these and previous representations made on the Plan

Full name: Stuart Houlet

Organisation (where relevant): PCL Planning Ltd

Other party name (if relevant): Waddeton Park Limited (Honiton)

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: (PCL Planning on behalf of Waddeton Park Limited (Honiton)): Requirement B of this policy introduces a requirement “For areas within 5 metres horizontal distance of Flood Zone 2, where there is no detailed modelling, assessment of this Zone with climate change will need to be undertaken in accordance with the most up-to-date Environment Agency hydrology, hydraulic modelling and flood risk mapping.” This appears to directly contradict national policy given such areas will include areas within Flood Zone 1 where the level of assessment is not required and sites of less than 1ha would not require a Flood Risk Assessment in any case. Furthermore, this policy states that the flood resilient goal of the policy will be achieved by “Ensuring that space is provided on all development sites for the inclusion of SuDS...”. Whilst supporting the delivery of SuDS as the preferred drainage solution is appropriate (and consistent with national policy), requiring them on all sites is unreasonable as this will prevent the delivery of sites where SuDs are not feasible. The policy should instead reference the drainage hierarchy so it is clear that there is some flexibility where it is demonstrated SuDs are not possible.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Policy AR01 should be modified so that it is in line with national policy in respect of the need for flood risk assessment and the encouragement of SuDs.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: in order to provide greater elaboration of the detail of these representations

Full name: Stuart Houlet

Organisation (where relevant): PCL Planning Ltd

Other party name (if relevant): Waddeton Park Limited (Honiton)

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Chapter 7 - Adapting to Climate Change

Strategic Policy AR01: Flooding

Requirement B of this policy introduces a requirement “For areas within 5 metres horizontal distance of Flood Zone 2, where there is no detailed modelling, assessment of this Zone with climate change will need to be undertaken in accordance with the most up-to-date Environment Agency hydrology, hydraulic modelling and flood risk mapping.” This appears to directly contradict national policy given such areas will include areas within Flood Zone 1 where the level of assessment is not required and sites of less than 1ha would not require a Flood Risk Assessment in any case.

Furthermore, this policy states that the flood resilient goal of the policy will be achieved by “Ensuring that space is provided on all development sites for the inclusion of SuDS...”. Whilst supporting the delivery of SuDS as the preferred drainage solution is appropriate (and consistent with national policy), requiring them on all sites is unreasonable as this will prevent the delivery of sites where SuDS are not feasible. The policy should instead reference the drainage hierarchy so it is clear that there is some flexibility where it is demonstrated SuDS are not possible.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Modification required

Policy AR01 should be modified so that it is inline with national policy in respect of the need for flood risk assessment and the encouragement of SuDs.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: To elaborate on these and previous representations made on the Plan

Full name: Will Ridalls

Organisation (where relevant): PCL Planning Ltd

Other party name (if relevant): Simon Stokes

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

Requirement B of this policy introduces a requirement “For areas within 5 metres horizontal distance of Flood Zone 2, where there is no detailed modelling, assessment of this Zone with climate change will need to be undertaken in accordance with the most up-to-date Environment Agency hydrology, hydraulic modelling and flood risk mapping.” This appears to directly contradict national policy given such areas will include areas within Flood Zone 1 where the level of assessment is not required and sites of less than 1ha would not require a Flood Risk Assessment in any case. Furthermore, this policy states that the flood resilient goal of the policy will be achieved by “Ensuring that space is provided on all development sites for the inclusion of SuDS...”. Whilst supporting the delivery of SuDS as the preferred drainage solution is appropriate (and consistent with national policy), requiring them on all sites is unreasonable as this will prevent the delivery of sites where SuDS are not feasible. The policy should instead reference the drainage hierarchy so it is clear that there is some flexibility where it is demonstrated SuDS are not possible.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Policy AR01 should be modified so that it is inline with national policy in respect of the need for flood risk assessment and the encouragement of SuDS.

Full name: Nick Matthews

Organisation (where relevant): Savills

Other party name (if relevant): Mac Mic Strategic Land

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

Introduction

1. This representation is submitted by Savills on behalf of Mac Mic Strategic Land (from hereon referred to as ‘Mac Mic’). Mac Mic is a strategic land promoter with a strong reputation for delivering planning permissions that lead to high-quality development.

2. Mac Mic has instructed Savills on their behalf to submit a series of representations to the relevant policies of the Regulation 19 Local Plan, including this policy. Policy AR01

3. Criterion A of Strategic Policy AR01 seeks to apply the sequential and exception tests to all development proposals in areas at risk of flooding from any source. Whilst that very strict policy approach was consistent with the previous version of the Framework, in December 2024 there was a change to paragraph 175 which updated the approach to the sequential test. This is copied below for convenience: “The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).”

4. We understand that further changes to the related section of the Planning Practice Guidance on Flood Risk are also due to be published imminently. Once this has been published a full review of Strategic Policy AR01 should be undertaken to ensure that it is compatible with the most up to date national policy and guidance.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Nick Matthews

Organisation (where relevant): Savills

Other party name (if relevant): Mac Mic Strategic Land

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: Yes

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: See attached.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: See attached.

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Dan Yeates

Organisation (where relevant): Savills

Other party name (if relevant): Sidbury LVA LLP

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: It is clear that Criterion A of draft Policy AR01 seeks to apply the sequential and exception tests to all development proposals in areas at risk of flooding from any source. Whilst that very strict policy approach was consistent with the previous version of the Framework, in December 2024 there was a change to paragraph 175 which updated the approach to the sequential test. This is copied below for convenience:

“The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).”

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: We understand that further changes to the related section of the Planning Practice Guidance on Flood Risk are also due to be published imminently. Once this has been published a full review of draft Policy AR01 should be

undertaken to ensure that it is compatible with the most up to date national policy and guidance.

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: No

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: It is important that Sidbury LVA LLP is present to participate in the hearing session for Policy AR01 owing to their interest in Land South of Furzehill (Sidm_34). It is important that they are given the opportunity to make their case in relation to this policy.

Full name: Dan Yeates

Organisation (where relevant): Savills

Other party name (if relevant): 3West Group

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: It is clear that Criterion A of draft Policy AR01 seeks to apply the sequential and exception tests to all development proposals in areas at risk of flooding from any source. Whilst that very strict policy approach was consistent with the previous version of the Framework, in December 2024 there was a change to paragraph 175 which updated the approach to the sequential test. This is copied below for convenience:

“The sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).”

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: We understand that further changes to the related section of the Planning Practice Guidance on Flood Risk are also due to be published imminently. Once this has been published a full review of draft Policy AR01 should be

undertaken to ensure that it is compatible with the most up to date national policy and guidance.

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: No

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: It is important that 3West Group is present to participate in the hearing session for Policy AR01 owing to their interest in the Land north and east of Exton Farm (Wood_28). It is important that they are given the opportunity to make their case in relation to this policy.

Full name: Kate Bergin

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: 5) Flooding
: We already experience a lot of flooding in rainy weather (run off from fields etc) and mass local building will only make matters worse.

Full name: Margaret Leppard

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Finally, flood risk In the same way that we lack technicians and legal instruments to deal with adolescent drainage technologies, I argue that recently published research (see below) demonstrates that planning guidance as it relates to SEAT_02, 03, 05 and _13a is behind the curve in relation to climate change and flood risk. In the course of my experience with field based SWW and DCC Flood and coastal risk and highways staff they do their best in a resource and planning guidance constrained workplace. This carries its own personal stress toll. However, development before infrastructure in economic terms simply externalises costs onto the ‘little people’ be they flood victims or junior staff.

Beware of blindfolded decision making about strategic planning for SEAT_02, 03, 05 and _13a when You do not have access to key upcoming reports ‘Water cycle report’ (EDDC) and “Assessment of flood risk from surface water and ordinary watercourses in Seaton’ (DCC) A recent Planning committee based decisions on Google Maps Street View that excluded visualisation of critical SUDS receiving watercourses in spate. Water attenuation across the sites is likely to be critically dependent on poorly maintained attenuation basins and permeable paving (and water butts?)

[Image illustrating SUDS Principles available in PDF attached] Source: <https://www.susdrain.org/delivering-suds/using-suds/suds-principles/management-train.html> despite the challenging context of

- increasing short duration high intensity rainfall;
- infiltration being excluded from the SUDS train because of the underlying local geology and finally,

- limited effective legal instruments and qualified technicians exist to ensure effective ongoing maintenance of common areas and SUDS. May you be wise in your decision making!

Full name: Helen S MUNDAY

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: Yes

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

6. Submissions for planning should not only consider the impact on the development itself but also the wider community. They should also be informed by likely climate change impacts. For example, in Sidm_34, the developers state that the risks from flooding to occupants of the new houses would be very low. However, they fail to state that the risk to surrounding houses would be very high, as run off from the development would be discharged onto the A375 which already has frequent flooding events, and into the Mill Leat which is already at capacity during normal rain event, never mind the intensity of rain events that are predicted to occur. Weather records indicate that the amount of annual rain is increasing and the occurrence of severe weather events such as extremely heavy rain is increasing. Plans need to recognise this evidence and also respond to forward climate patterns.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: Plans need to be informed by the climate change predictions by organisations such as the Exeter based Met Office. Flood risks are increasing, are extremely stressful for those who now find themselves in flood risk areas (even if they were not historically) and includes the risk of surface water, and coastal flooding as well as rising river levels. New developments should not make a rising tide of risks even more extreme for those in the vicinity of such developments and should not be permitted.

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Helen S MUNDAY

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: Yes

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

Submissions for planning should not only consider the impact on the development itself but also the wider community. They should also be informed by likely climate change impacts. For example, in Sidm_34, the developers state that the risks from flooding to occupants of the new houses would be very low. However, they fail to state that the risk to surrounding houses would be very high, as run off from the development would be discharged onto the A375 which already has frequent flooding events, and into the Mill Leat which is already at capacity during normal rain event, never mind the intensity of rain events that are predicted to occur. Weather records indicate that the amount of annual rain is increasing and the occurrence of severe weather events such as extremely heavy rain is increasing. Plans need to recognise this evidence and also respond to forward climate patterns.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: Plans need to be informed by the climate change predictions by organisations such as the Exeter based Met Office. Flood risks are increasing, are extremely stressful for those who now find themselves in flood risk areas (even if they were not historically) and includes the risk of surface water, and coastal flooding as well as rising river levels. New developments should not make a rising tide of risks even more extreme for those in the vicinity of such developments and should not be permitted.

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Devon Wildlife Trust (planning)

Organisation (where relevant): Devon Wildlife Trust

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: ‘Where appropriate, the opportunity for Natural Flood Management in rural areas, SuDS retrofit in urban areas and river restoration should be maximised’.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Again, ‘where appropriate’ is superfluous and should be removed.

Full name: Devon Wildlife Trust (planning)

Organisation (where relevant): Devon Wildlife Trust

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: ‘Preference will be given to systems that reduce pollution risks and contribute to the conservation and enhancement of biodiversity and green infrastructure where practicable.’

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Should be rephrased to remove ‘where practicable’. This phrase is superfluous and undermines the point which is being made.

Full name: Rachel Danemann

Organisation (where relevant): Home Builders Federation (HBF)

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: The policy is not considered to be sound as it is not positively prepared, effective, justified or consistent with national policy

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: 79. To be effective it should be clearer how this policy links into BNG, particularly the potential development of off-site BNG units.

Full name: Angie Hurren

Organisation (where relevant): Broadclyst Parish Council

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3(a). If yes, and you wish to support the soundness of this part of the Adapting to Climate Change chapter, please use this box to set out your comments.: Flood Resilience and Sustainable Drainage (Strategic Policy AR01 & Broadclyst DC3)

- Given the increasing risks of extreme weather, the Local Plan requires sustainable urban drainage systems (SuDS) for all developments.
- Broadclyst's Policy DC3 strengthens this by requiring SuDS to be biodiversity-positive, integrating wetlands and reed beds into drainage infrastructure.
- Developers must account for future climate scenarios in flood-risk assessments.

Full name: Rob Martin

Organisation (where relevant): Clyst Honiton Parish Council

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: Strategic Policies AR01 relates to Flooding and the criteria to fulfil if development takes place. The only missing part is the statement that a general rule of thumb that building on a flood plain will be resisted except for: All the AR01 policy elements.

Full name: Kerry Kennell

Organisation (where relevant): Ottery St Mary Town Council

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:

Section 9.40 P164 The Council feel there should be investment into natural defenses such as willow beds. There should be acknowledgement that it is difficult to upgrade the sewage infrastructure which needs government subsidy. Attention should be given to separating grey and black water. The Council feel that the Local Plan lauds town centres but offers no support to them. What happens with the old towns? Tick sustainable box for new developments.

Full name: Kerry Kennell

Organisation (where relevant): Ottery St Mary Town Council

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(a). If yes, and you wish to support the legal compliance of this part of the Adapting to Climate Change chapter, please use this box to set out your comments.: EDDC are still building houses on flood plains. The Council feel there needs to be measures to counteract the acceleration of climate change. EDDC should carry out a complete review of their policies to allow existing houses in the conservation area to be able to make energy saving changes such as solar panels. There is no incentive to preserve and enhance the town centres.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Harriet Fuller

Organisation (where relevant): Environment Agency

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR01

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Para 7.2 requires more clarity: “Developers are strongly encouraged to consult with [EDDC, DCC, EA and SWW] early in the planning process to address flood risks, through writing site-specific Flood Risk Assessment (FRAs) and proposing appropriate mitigation measures.” The policy itself needs to be stronger: “All development must minimise the impact and mitigate the likely effects of climate change...” Under AR01 A- some clarity may be needed (or justification in the para 7.3) around the requirement for establishing sequentially preferable locations. The wording of “requiring development proposed in flood risk location...to demonstrate” fails to outline who has the responsibility to undertake the assessment. Section AR01 B: This part of the policy describes the buffer of 5 metres from edge of FZ2 to require assessment of risk over lifetime of development seeks to future-proof development proposals which is supported. We would point out however, that the approach set out would require screening at validation stage to establish when the additional assessment is required, and that this would not necessarily mean that we are a consultee (see here for clarity on when to consult the EA). The national flood risk standing advice must be used for applications that do not require a bespoke response from the EA. These sorts of applications may also be subject to the Sequential test, and this would not have been picked up prior to this approach. It is worth noting that in some cases, flood modelling will be required to deliver an adequate Flood Risk Assessment, as the NPPF and PPG outlines. We can work with your authority to create specific guidance, or training on this matter, to aid in establish suitable process, and guidance for determining officers. Under point AR01 C- the second sentence should read “Systems should reduce pollution risks and contribute to the conservation and enhancement of biodiversity, water quality and green infrastructure where practicable” The last sentence regarding CDAs should read: “Within Critical Drainage Areas, SuDS should result in a reduction of existing runoff rates and comply with most up-to-date guidance on managing runoff”. We support point D of the policy. We suggest that point E also includes car parks as well. Section AR01 F should read: “Where appropriate, the opportunity for Natural Flood

Management in rural areas, SuDS retrofit in urban areas and river restoration should be maximised. Culverting will be opposed in all circumstances except for essential access reasons, and day-lighting existing culverts will be promoted through new developments”. This policy refers to the SFRA level 2 and states that the SFRA has shown that ‘some catchments are at a high risk of cumulative flooding’ and that ‘in these areas, proposals should help to reduce flood risk overall. In the early part of the policy, it states that reducing flood risk will only be sought ‘where possible’. The previous quote suggests that this will be a requirement only in some catchments. It may be more ambitious for the policy to require a reduction in flood risk on all development sites. Also, development proposals should reduce flood risk overall, not ‘help to’ reduce it overall. Note- a Level 2 SFRA will be essential for the new town allocation.

AR02

Full name: Bethan Haigh

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Vistry Group

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: It is noted that the Water Cycle Study is not currently published and does not form part of the existing Draft LP Regulation 19 Consultation evidence base. Vistry therefore consider that Strategic Policy AR02 is not justified as there is a lack of supporting evidence that is robust, and that the policy text is not consistent with current Building Regulations.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: In the absence of the relevant evidence base, Vistry suggest that an amendment to the policy text be made to ensure that reference is made to Building Regulations G2 and the water efficiency standard of 125 litres per day to ensure that the policy is not unsound. In addition, acknowledgement should be included within Policy AR02 stating that developers cannot impose water usage restrictions, and that developers can only install and encourage occupiers to adopt water efficient methods.

Full name: Bethan Haigh

Organisation (where relevant): Boyer Planning

Other party name (if relevant): Taylor Wimpey UK Ltd. C/O Boyer

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

2.78 This policy states that all homes must meet the optional Building Regulation G2 standards of 110 litres per day. Supporting policy text states that the water cycle study provides clear evidence for adopting the stricter standard of 110 litres per day in East Devon to address water stress.

2.79 The Water Cycle Study has not been published and is not available to view as part of this Draft LP Regulation 19 Consultation. This lack of supporting evidence base clearly highlights that this policy is not supported by robust evidence and the stricter optional Building Regulations is not justified.

2.80 Furthermore, East Devon is not classified as a water stress area, promoting questions about the justification for imposing limits on water usage. Water consumption is a matter already covered by the Buildings Regulations Regime, making a specific plan policy on this matter unjustified.

Full name: Nick Guildford

Organisation (where relevant): C G Fry & Son

Other party name (if relevant): Mr & Mrs Cowling

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Policy AR02 imposes the standard of 110 litres per day per person of water usage. The supporting text refers to the Water Cycle Study, but this has yet to be published. Accordingly, the policy is not based on available evidence.

The Written Ministerial Statement of 25 March 2015 states that “The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance.”

The PPG states that local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in their Local Plans (Paragraph: 002 Reference ID: 56-002-20160519).

Local planning authorities should consider the impact of using these standards as part of their Local Plan viability assessment (Paragraph: 003 Reference ID: 56-003-20150327).

The PPG requires there to be a clear local need (Paragraph: 014 Reference ID: 56- 014-20150327). The PPG places the burden of proof on the local planning authority (Paragraph: 015 Reference ID: 56-015-20150327) and identifies the following evidence:

- existing sources of evidence*.
- consultations with the local water and sewerage company, the Environment Agency and catchment partnerships.
- consideration of the impact on viability and housing supply of such a requirement.

*EA's Water stressed Areas 2021 classification, water resource management plans produced by water companies and river basin management plans (Paragraph: 016 Reference ID: 56-016-20150327) There is no hard technical evidence to support the stricter standard nor is there any evidence to demonstrate that the Council has considered the impact of this stricter standard on housing supply and scheme viability (noting that the Three Dragons Viability Assessment states this has a de minimis cost).

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The policy should be deleted.

Full name: Simon Coles

Organisation (where relevant): CarneySweeney

Other party name (if relevant): C R Down Farming Ltd and Stuart Partners Ltd

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

CarneySweeney acts for CR Down Farming Ltd and Stuart Partners Ltd in connection with land south of A3052 and east of A376, Clyst St Mary, East Devon.

Policy AR02 imposes the standard of 110 litres per day per person of water usage. The supporting text refers to the Water Cycle Study, but this has yet to be published. Accordingly, the policy is not based on available evidence.

The Written Ministerial Statement of 25 March 2015 states that “The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance.”

The PPG states that local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in their Local Plans (Paragraph: 002 Reference ID: 56-002-20160519).

Local planning authorities should consider the impact of using these standards as part of their Local Plan viability assessment (Paragraph: 003 Reference ID: 56-003-20150327).

The PPG requires there to be a clear local need (Paragraph: 014 Reference ID: 56-014-20150327). The PPG places the burden of proof on the local planning authority (Paragraph: 015 Reference ID: 56-015-20150327) and identifies the following evidence:

- existing sources of evidence*.
- consultations with the local water and sewerage company, the Environment Agency and catchment partnerships.
- consideration of the impact on viability and housing supply of such a requirement.

*EA's Water stressed Areas 2021 classification, water resource management plans produced by water companies and river basin management plans (Paragraph: 016 Reference ID: 56-016-20150327)

There is no hard technical evidence to support the stricter standard nor is there any evidence to demonstrate that the Council has considered the impact of this stricter standard on housing supply and scheme viability (noting that the Three Dragons Viability Assessment states this has a de minimis cost).

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The policy should be deleted.

Full name: Simon Coles

Organisation (where relevant): CarneySweeney

Other party name (if relevant): C G Fry & Son Ltd

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Policy AR02 imposes the standard of 110 litres per day per person of water usage. The supporting text refers to the Water Cycle Study, but this has yet to be published. Accordingly, the policy is not based on available evidence.

The Written Ministerial Statement of 25 March 2015 states that “The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance.”

The PPG states that local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in their Local Plans (Paragraph: 002 Reference ID: 56-002-20160519).

Local planning authorities should consider the impact of using these standards as part of their Local Plan viability assessment (Paragraph: 003 Reference ID: 56-003-20150327).

The PPG requires there to be a clear local need (Paragraph: 014 Reference ID: 56-014-20150327). The PPG places the burden of proof on the local planning authority (Paragraph: 015 Reference ID: 56-015-20150327) and identifies the following evidence:

- existing sources of evidence*.
- consultations with the local water and sewerage company, the Environment Agency and catchment partnerships.
- consideration of the impact on viability and housing supply of such a requirement.

*EA's Water stressed Areas 2021 classification, water resource management plans produced by water companies and river basin management plans (Paragraph: 016 Reference ID: 56-016-20150327)

There is no hard technical evidence to support the stricter standard nor is there any evidence to demonstrate that the Council has considered the impact of this stricter standard on housing supply and scheme viability (noting that the Three Dragons Viability Assessment states this has a de minimis cost).

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The policy should be deleted.

Full name: Jess Perminter

Organisation (where relevant): CarneySweeney

Other party name (if relevant): CR Down Farming Ltd and Stuart Partners Ltd

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Policy AR02 imposes the standard of 110 litres per day per person of water usage. The supporting text refers to the Water Cycle Study, but this has yet to be published. Accordingly, the policy is not based on available evidence.

The Written Ministerial Statement of 25 March 2015 states that “The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance.” The PPG states that local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in their Local Plan. Paragraph: 002 Reference ID: 56-002-20160519). Local planning authorities should consider the impact of using these standards as part of their Local Plan viability assessment (Paragraph: 003 Reference ID: 56-003-20150327). The PPG requires there to be a clear local need (Paragraph: 014 Reference ID: 56-014-20150327). The PPG places the burden of proof on the local planning authority (Paragraph: 015 Reference ID: 56-015-20150327) and identifies the following evidence:

- existing sources of evidence*.

- consultations with the local water and sewerage company, the Environment Agency and catchment partnerships.
- consideration of the impact on viability and housing supply of such a requirement.

*EA's Water stressed Areas 2021 classification, water resource management plans produced by water companies and river basin management plans (Paragraph: 016 Reference ID: 56-016-20150327)

There is no hard technical evidence to support the stricter standard nor is there any evidence to demonstrate that the Council has considered the impact of this stricter standard on housing supply and scheme viability (noting that the Three Dragons Viability Assessment states this has a de minimis cost).

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The policy should be deleted.

Full name: Jess Perminter

Organisation (where relevant): CarneySweeney

Other party name (if relevant): DAAB Partnership

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Policy AR02 imposes the standard of 110 litres per day per person of water usage. The supporting text refers to the Water Cycle Study, but this has yet to be published. Accordingly, the policy is not based on available evidence.

The Written Ministerial Statement of 25 March 2015 states that “The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance.”

The PPG states that local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in their Local Plans (Paragraph: 002 Reference ID: 56-002-20160519).

Local planning authorities should consider the impact of using these standards as part of their Local Plan viability assessment (Paragraph: 003 Reference ID: 56-003-20150327).

The PPG requires there to be a clear local need (Paragraph: 014 Reference ID: 56-014-20150327).

The PPG places the burden of proof on the local planning authority (Paragraph: 015 Reference ID: 56-015-20150327) and identifies the following evidence:

- existing sources of evidence*.
- consultations with the local water and sewerage company, the Environment Agency and catchment partnerships.
- consideration of the impact on viability and housing supply of such a requirement.

*EA's Water stressed Areas 2021 classification, water resource management plans produced by water companies and river basin management plans (Paragraph: 016 Reference ID: 56-016-20150327)

There is no hard technical evidence to support the stricter standard nor is there any evidence to demonstrate that the Council has considered the impact of this stricter standard on housing supply and scheme viability (noting that the Three Dragons Viability Assessment states this has a de minimis cost).

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The policy should be deleted.

Full name: Samantha Thomas

Organisation (where relevant): CarneySweeney

Other party name (if relevant): Cavanna Homes (Cavanna)

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(a). If yes, and you wish to support the soundness of this part of the Adapting to Climate Change chapter, please use this box to set out your comments.: Policy AR02 imposes the standard of 110 litres per day per person of water usage. While Cavanna applies this standard as a matter of course it is challenging to achieve on larger units so risks setting an unachievable requirement. Planning policies should not seek to replicate Building Regulations. www.carneysweeney.co.uk The supporting text also refers to the Water Cycle Study, but this has yet to be published. Accordingly, the policy is not based on available evidence. The Written Ministerial Statement of 25 March 2015 states that “The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance.” The PPG states that local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in their Local Plans (Paragraph: 002 Reference ID: 56-002-20160519). Local planning authorities should consider the impact of using these standards as part of their Local Plan viability assessment (Paragraph: 003 Reference ID: 56-003-20150327). The PPG requires there to be a clear local need (Paragraph: 014 Reference ID: 56-014-20150327). The PPG places the burden of proof on the local planning authority (Paragraph: 015 Reference ID: 56-015-20150327) and identifies the following evidence:

- existing sources of evidence*.
 - consultations with the local water and sewerage company, the Environment Agency and catchment partnerships.
 - consideration of the impact on viability and housing supply of such a requirement.
- *EA’s Water stressed Areas 2021 classification, water resource management plans

produced by water companies and river basin management plans (Paragraph: 016 Reference ID: 56-016-20150327) There is no hard technical evidence to support the stricter standard nor is there any evidence to demonstrate that the Council has considered the impact of this stricter standard on housing supply and scheme viability (noting that the Three Dragons Viability Assessment states this has a de minimis cost).

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: The policy should be deleted.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

Full name: Samantha Thomas

Organisation (where relevant): CarneySweeney

Other party name (if relevant): Taylor Wimpey Exeter

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Policy AR02 imposes the standard of 110 litres per day per person of water usage. The supporting text refers to the Water Cycle Study, but this has yet to be published. Accordingly, the policy is not based on available evidence. The Written Ministerial Statement of 25 March 2015 states that “The optional new national technical standards should only be required through any new Local Plan policies if they address a clearly evidenced need, and where their impact on viability has been considered, in accordance with the National Planning Policy Framework and Planning Guidance.” The PPG states that local planning authorities will need to gather evidence to determine whether there is a need for additional standards in their area and justify setting appropriate policies in their Local Plans (Paragraph: 002 Reference ID: 56-002-20160519). Local planning authorities should consider the impact of using these standards as part of their Local Plan viability assessment (Paragraph: 003 Reference ID: 56-003-20150327). The PPG requires there to be a clear local need (Paragraph: 014 Reference ID: 56-014-20150327). The PPG places the burden of proof on the local planning authority (Paragraph: 015 Reference ID: 56-015-20150327) and identifies the following evidence:

- existing sources of evidence*. www.carneysweeney.co.uk
 - consultations with the local water and sewerage company, the Environment Agency and catchment partnerships.
 - consideration of the impact on viability and housing supply of such a requirement.
- *EA’s Water stressed Areas 2021 classification, water resource management plans produced by water companies and river basin management plans (Paragraph: 016 Reference ID: 56-016-20150327) There is no hard technical evidence to support the

stricter standard nor is there any evidence to demonstrate that the Council has considered the impact of this stricter standard on housing supply and scheme viability (noting that the Three Dragons Viability Assessment states this has a de minimis cost).

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The policy should be deleted.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

Full name: Zoe Mason

Organisation (where relevant): Lichfields

Other party name (if relevant): Mr M.J. Nancekivell and Mr R.P. Nancekivell

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

5.11 Strategic Policy AR02 requires the ‘optional’ standard of 110 litres per person per day from Part G of the Building Regulations as the baseline figure to be applied to all development, as opposed to the baseline requirement of 125 litres per day, also within Part G of the Building Regulations.

5.12 The policy is not justified. The Draft Plan references a Water Cycle Study which provides evidence to justify the stricter requirements. This is not available in the evidence base. We request that this be provided so that appropriate assessment of the ‘sound-ness’ of Policy AR02 can be undertaken. Should this not be justified through the Water Cycle Study, we propose the omission of this policy as the requirements are already established within the Building Regulations, in line with the sentiment of paragraphs 13 and 25 of the Government response to the proposed plan-making reforms: consultation on implementation (27 February 2025)HSE, which seeks to avoid ‘unnecessary duplication’ with national policy. The landowner objects to this policy.

Full name: Owen Jones

Organisation (where relevant): LRM Planning

Other party name (if relevant): David Wilson Homes

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: Yes

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: ST RA TE GIC POLI C Y AR0 2 – WA TER E F F I C I E N C Y

9.36 Policy AR02 proposes to require all new dwellings to meet the Optional Technical Housing Standard of 110 litres of water, per person, per day. The PPG28 confirms that when applying the optional requirement, local planning authorities should establish a clear need based on: ? existing sources of evidence; ? consultation with local water and sewerage companies, the Environment Agency and catchment partnerships; and ? the potential impact on viability and housing supply of adopting the requirement.

9.37 Para. 7.5 of the emerging Local Plan confirms that the water cycle study provides the necessary evidence for adopting the optional standard. However, DWH note that at present, the water cycle study has not been published. Accordingly, the proportionate evidence has not been provided to demonstrate that the proposed policy is either justified or consistent with national policy.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Suggested changes

9.38 The suggested changes will depend upon the conclusions of the water study.

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.

Full name: Neil Mantell

Organisation (where relevant): LRM Planning

Other party name (if relevant): The Cherwell Group

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: Yes

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Policy AR02 proposes to require all new dwellings to meet the Optional Technical Housing Standard of 110 litres of water, per person, per day. The PPG [MHCLG, Planning Practice Guidance, Housing: optional technical standards , Paragraph: 015 Reference ID: 56-015-20150327] confirms that when applying the optional requirement, local planning authorities should establish a clear need based on:

existing sources of evidence;

consultation with local water and sewerage companies, the Environment Agency and catchment partnerships; and

the potential impact on viability and housing supply of adopting the requirement.

Para. 7.5 of the emerging Local Plan confirms that the water cycle study provides the necessary evidence for adopting the optional standard. However, the Cherwell Group note that at present, the water cycle study has not been published. Accordingly, the proportionate evidence has not been provided to demonstrate that the proposed policy is either justified or consistent with national policy.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The suggested changes will depend upon the conclusions of the water study.

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Due to the significant policy issues concerned.

Full name: Oliver Keates

Organisation (where relevant): OBK Land and Planning Ltd

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:
Limiting this to 110 litres per day is objected to as this proposal is lacking any evidence base.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

Full name: Stuart Houlet

Organisation (where relevant): PCL Planning Ltd

Other party name (if relevant): Waddeton Park Limited (Honiton)

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: The policy identifies that all new dwellings should achieve the Optional Technical Housing Standard of 110 litres per day per person for water efficiency. In doing so it seeks a higher standard than Building Regulations, instead making an optional standard a requirement. The only evidence offered is a reference to the Water Cycle Study which is yet to be published. This is not sufficient evidence to set additional standards and the PPG is clear that such an approach must be justified by clear evidence. Furthermore the Written Ministerial Statement in relation to the optional new national technical standards is clear that they should be relied upon only where there is a clear evidenced need. These tests have not been met by the Plan's evidence base and the policy is unjustified.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Strategic Policy AR02 should be deleted from the Plan as it is unjustified and instead the matter can be appropriately dealt with through Building Regulations.

Full name: Stuart Houlet

Organisation (where relevant): PCL Planning Ltd

Other party name (if relevant): Waddeton Park Limited (Honiton)

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: The policy identifies that all new dwellings should achieve the Optional Technical Housing Standard of 110 litres per day per person for water efficiency. In doing so it seeks a higher standard than Building Regulations, instead making an optional standard a requirement. The only evidence offered is a reference to the Water Cycle Study which is yet to be published. This is not sufficient evidence to set additional standards and the PPG is clear that such an approach must be justified by clear evidence. Furthermore the Written Ministerial Statement in relation to the optional new national technical standards is clear that they should be relied upon only where there is a clear evidenced need. These tests have not been met by the Plan's evidence base and the policy is unjustified.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Strategic Policy AR02 should be deleted from the Plan as it is unjustified and instead the matter can be appropriately dealt with through Building Regulations.

Full name: Jeremy Gardiner

Organisation (where relevant): Pegasus Group

Other party name (if relevant): Taylor Wimpey Strategic Land

Proposal:

7. Adapting to Climate Change

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Objection is raised to this policy. East Devon is not a water stress area so the justification for limiting water usage for new development is questionable. Water consumption is a matter covered by the Buildings Regulations regime. This limits water consumption to 125 litres per person per day. A local plan policy on water efficiency is unnecessary.

Full name: Harriet Fuller

Organisation (where relevant): Environment Agency

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Water Quality - We are disappointed to see that our comments on water quality within our Reg 18 response of the 15/1/23, have not been incorporated into the current Reg 19 draft. We included reference to water quality and water resource pressures and included baseline data around water quality. We also note that the only previous reference in Reg 18 to Water Quality (para 7.35) relied upon the evidence of the commissioned Water cycle study to inform the emerging policies, however this study is not yet part of the evidence base. As such we consider that the Plan is currently lacking a fundamental stance and policy on water quality, particularly given the water incidents of the last year, the increase in housing requirement and the number of sensitive water receptors and designations in EDDC. The Plan is not reflecting the Water Environment Framework, Government Plan for Water, or NPPF advice that opportunities should be taken to improve water quality where possible and 'preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans;' (Para 187e). Additionally, issues around Combined Sewer Overflows (CSOs) are also exacerbated by climate change and this policy should recognise this as a specific issue, and an issue for climate change adaptation. Water efficiency - We welcome the individual policy now included in relation to water efficiency, however in the absence of a finalised Water cycle study as part of your evidence base to inform the Reg 19 policies, we would advise that you include the EA and SWW joint paper on Water Resources attached as evidence to support this policy. This document currently forms part of the Exeter Local Plan Reg 19 evidence base for the same purpose. Plan for Water: our integrated plan for delivering clean and plentiful water - GOV.UK The Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 National Planning Policy Framework In addition, whilst we welcome AR02 and the targets on domestic water efficiency, a large amount of the

water usage by this area is for the purposes of Agriculture and we would strongly encourage the policies to promote water efficiency in agriculture too. The Water Efficiency evidence document attached also provides evidence to justify such a stance. As there is no specific policy on farm buildings or new buildings in the countryside, we would advise that policy AR02 be extended to say something akin to: ‘In addition, new agricultural and commercial buildings will be expected to demonstrate that consideration has been given to water efficiency measures and these have been included wherever possible.’ Supporting text could say something along the lines of ‘particular consideration should be given to the inclusion of water collection and storage alongside agricultural developments where water usage is high such as watering cattle in order to reduce demand on scarce potable water supplies and make growing businesses more resilient to climate change and drought’.

Full name: Mr Simon Croft

Organisation (where relevant): South West Water

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: Yes

3(a). If yes, and you wish to support the soundness of this part of the Adapting to Climate Change chapter, please use this box to set out your comments.: SWW and the EA have published a joint statement on the need for development to secure increased water efficiency

(<https://www.southwestwater.co.uk/siteassets/documents/environment/water-resources/evidence-for-increased-water-efficiency.pdf>). The inclusion of the 110 litres per person per day maximum average consumption requirement stated within draft Sustainability Appraisal is supported by SWW and is sound based on available and provided evidence

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Mr Simon Croft

Organisation (where relevant): South West Water

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR02

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: Pursuant to National Water Industry targets for the reduction of spills to protect our environments, a significant pressure that can impede this work is the addition of surface water flows into the Undertaker's combined sewer system. The inclusion of the drainage hierarchy within in the draft Regulation 19 consultation is requested by SWW in supporting the sustainable and effective management of surface water from development.

AR03

Full name: Geoff Jung

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

Introduction

The consultation response to the Coastal Change Management Areas has been mainly uncontroversial but for one key area which is land above East Beach, which is East of the River Sid.

This area is within the UNESCO world heritage site known as the Jurassic Coast, and it is generally accepted that natural erosion should be unimpeded, with rock falls and gradual erosion along most of its length.

However, the section which has housing development close to the cliff edge above East Beach where the rate of erosion has been effected by increased engineering at Town beach for the last 3 hundred years.

These included:

The man-made construction of the Sidmouth promenade along the top of the pebble beach. Built in early Victorian area.

The excavation of a railway tunnel behind the cliff in the Victorian period but was abandoned.

The river training wall that restricts tidal flows and beach build up on East Beach.

Rock Islands introduced in the 1990s that has helped protect the Sidmouth Sea front.

Therefore, this section of East Beach has been subject to numerous un-natural increased changes that have significantly changed the erosion rates, recognised in the many reports that have been provided in the last 40 years.

The Sidmouth and East Beach Management Plan/Scheme, which is now in its design stage identified the Cliffs above East Beach as a natural protection to the risk of the town's defences being outflanked by storms from the south-east quadrant

This is why a key measure identified in the Outline Business Case for the forthcoming Beach Management Scheme is to build a large rock groyne or island off East beach and introduce a much larger pebble beach under the cliffs to return the cliffs to a more stable more natural erosion rate.

Conclusion.

Because there is no conclusive, accurate data or analysis to this small section of coast that has been effected by various engineered events and will in the near future be effected again by the Beach Management plan with expected reduced rate of cliff erosion the following report needs to reflect this.

Case for changing the CCMA for the area east of the River Sid and Sidmouth East

The following is taken from East Devon Local Plan – Topic Paper – CCF- 005 Adaptation and Resilience to Climate Change: Coastal Change Yellow highlighted for information relevant to East Beach.

This was noted and discussed at a Strategic Planning meeting on the 5th of Nov 2024 and the following notes included Topic Paper CCF 005

2.5 In East Devon the SMP sets out four general approaches :

a. No active intervention – do not defend. This is where no defences are present, and it would be technically, economically, or environmentally unsustainable to introduce defences due to their impact on other communities, or on sites protected for their environmental importance. This applies mainly to parts of the coast that adjoin areas of

countryside (except for the western part of the Budleigh Salterton). Sections of coast identified for no active intervention include from Orcombe Rocks (Exmouth) to Budleigh Salterton West; the Otter spit: Otterton Ledge, Budleigh Salterton to Chit Rocks, Sidmouth; Salcombe Hill to Beer; Beer to Seaton Hole; Axe Estuary spit and from Haven Cliff west to Monmouth Beach (Lyme Regis).

b. Hold the existing defence line - maintain/replace. This is where protection is currently provided by coastal defence structures or managed beaches, and the intention is to retain a defence along approximately the current alignment. This will involve replacing defences when needed. Defence type, method and standard of protection may be modified over time. This applies to the Exe Estuary (from the lower Clyst to Exmouth Spit) and the main coastal settlements (from Exmouth Pier to Orcombe Rocks; Sidmouth; Beer; Seaton west to Axe Estuary spit; Axe Estuary Seaton West; Axe Estuary (Mouth Breakwater to Axmouth North).

c. Managed realignment - set back defence. This is where the intention is to defend elsewhere in flood plain inland from present shoreline or allow erosion/recession to a defined alignment. New defences might be constructed at that new location if needed. This may involve the creation of inter-tidal habitat. This applies to the Otter Estuary (where the Lower Otter Restoration Project has delivered floodplain reconnection and habitat creation that has helped to reduce flood risk within the estuary) and part of the Axe Estuary (Axmouth North to Seaton North).

d. Managed realignment - slow erosion. This is where measures might be introduced or permitted that slow, not stop, erosion of cliffs or other features at the back of the shoreline. This applies to River Sid and Sidmouth East and in the medium- and long-term epochs for Seaton Hole to Seaton West.

In the case of the River Sid and Sidmouth East, there is a recognition that a higher recharged beach with a rock super groyne or offshore breakwater will reduce or slow the erosion to a much lesser extent than has recently been observed.

Blue suggested change

Red Note

4.5 Following the Regulation 18 consultation, a further option for the Sidmouth Beach Management Plan (BMP) was agreed . This includes constructions designed to slow the rate of erosion from the existing levels, on which the University of Plymouth work is based. It is anticipated that the work will be complete by 2030. The Sidmouth and East Beach Outline Business Case (BMP OBC) included a plan that shows a much slower retreat rate than the ‘Plymouth’ study. Whilst this rate of erosion is still higher than the ‘original’ BMP estimated (needs to be included) erosion rate, there are no

projected erosion lines following implementation of the BMP so future monitoring will be needed to inform a new erosion rate.

4.6 The 5th of November Strategic Planning Committee agreed to draw this part of the CCMA boundary in accordance with the BMP OBC line. (NOTE however, there is no certainty to the erosion rate to this unfinished project) This is in accordance with the principle of considering recent evidence from detailed studies in the designation of a CCMA. It also reflects the fact that the Plymouth work was based on past erosion rates and did not take account of the proposed works at Sidmouth that will slow the rate of erosion.

4.7 Most recently, the SMP's have been updated with maps that show the new National Coastal Erosion Risk Mapping (NCERM), which provides the most up to date national picture of coastal erosion risk for England. The relevant map 34 shows the coastal erosion risk projection climate change (upper end), 2105 to be very similar to that of the Sidmouth BMP OBC (see appendix A for plans from various sources that show differing erosion rates). This provides further evidence to justify the reduction in the size of the CCMA to the east of the River Sid in the Regulation 19 local plan.

However, as the final design and specification for the BMP/BMS has not yet been designed or its effect determined it would be premature to quantify the erosion rate at this point.

Therefore because of new, as yet unknown factors that will only become apparent once the Sidmouth and East Beach project is finalised, the projected erosion rate is unable to be estimated accurately, and the estimation using the “worst case” scenario would be unjustified .

Conclusion

The solution is to either not include any defined line or use the BMP OBC line but with a “heath warning” that this is not yet conclusive line.

See maps on following page with yellow health warning

Text BoxTherefore, some note of caution needs to be inserted to provide clarity and guidance

Text BoxMap 34

Full name: Paul Griew

Organisation (where relevant): Cliff Road Action Group

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:

Article 1 of the Protocol to the European Convention on Human Rights states that: "Every natural or legal person is entitled to the peaceful enjoyment of his possessions". Policy AR03 directly contravenes this provision by restricting the use individual householders from altering or extending their properties.

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Policy AR03 should be eliminated from the LP. That would solve the difficulty. If not then to the sentence "Within the Coastal Change Management Area (CCMA) defined on the Policies Map, proposals for new residential development, including the conversion of existing buildings, will not be permitted." Should be added "This provision does not apply to individual householders". This will make it plain that this only applies to larger developments and not "natural or legal persons".

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

1. The CCMA should not be imposed because: a. The National Guidance states: "The national approach to planning for coastal areas can be summarised as avoiding development in vulnerable areas" (Topic Paper CCF-005 para 3.1). I can see that a CCMA might be applied where a new housing development is planned in an area which

will be subject to erosion in 20 or even 50 years, but I doubt if the guidance was ever intended for a situation where it only affects individual existing householders, which is the case at Sidmouth East Beach. b. It unnecessarily restricts what householders can do with their own properties. Certainly, warn them during the planning phase that the property may be subject to cliff erosion in the coming years, but do not stop them from extending or re-building as they see fit. If they wish to enjoy the use of an extension over the next 20 or 50 years, knowing that it might be subject to erosion, then that is their prerogative. c. The evidence on which the rate of erosion is based is not solid. There have been at least four different analyses of erosion rates - Beach Management Plan (BMP 2016), Shoreline Management Plan (SMP 2010), the Outline Business Case (OBC 2024) and the University of Plymouth Study (UofP 2022) – and each has come up with very different answers. EDDC has also changed the rate of erosion it is using in the LP between drafts without adequate explanation of the scientific rationale, and the latest draft is based mainly on the number of responses received to a previous consultation (Topic Paper CCF-005 para 4.4). EDDC has decided not to use the data from the Plymouth Study and instead has opted for the Outline Business Case, which has been found to not be based on any evidence which is in the public domain. This is further evidence that the erosion rates being used are unreliable at best. The best available information on erosion rates has not been used. The Local Plan should use the Beach Management Plan data which is the only analysis not to have been contested and appears to be the most reliable for all time periods over the next 100 years. d.

Living on Cliff Road, we understand the rates of erosion better than any academic who has not even visited the area. The rates in the UofP study are greatly exaggerated and would have far reaching impacts for every resident. e. EDDC has repeatedly failed to implement sea defences to protect East Cliffs following the increased erosion brought about by the prior town sea defence work in 1995. EDDC also failed to undertake the East Beach replenishment work that was promised that would have alleviated some of the erosion. In 2016 EDDC completed their Beach Management Plan – which took 4 years to complete. No action has resulted in the subsequent 9 years since 2016. EDDC should not now impose a CCMA which would only exist due to their own original sea defence works and now to their inaction in not correcting this despite promises over the past 14 years. f. No account has been taken of the Beach Management Scheme (BMS) currently underway which will reduce the rate of erosion such that no properties will be at risk of cliff erosion in the next 100 years. The Environment Agency committed £16.5M to the Beach Management Scheme in 2023. This matters as these works will completely undermine the rationale for imposing the CCMA. g. This policy will in effect blight all the properties on Cliff Road, despite being based on unsound evidence and for no apparent purpose.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Policy AR03 should be eliminated from the LP. It is based on unsound information and serves no apparent purpose.

If, even so, the CCMA is imposed, then:

a. To the sentence: “Within the Coastal Change Management Area (CCMA) defined on the Policies Map, proposals for new residential development, including the conversion of existing buildings, will not be permitted” should be added “This provision does not apply to individual householders”. b. It should not restrict individual householders from extending or re-building their properties as they wish. c. It should state that once the BMS has been implemented then policy AR03 will be eliminated from the LP. Thus the policy will take into account the ongoing works. d. It should include a provision to commit to actively monitoring the coastal erosion retreat rates and updating future shoreline positions using the most recent retreat rates. Therefore any future policy can be based on the best available information.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: As I will be significantly and adversely affected by this policy, I wish to ensure my views and those of my neighbours have been taken into account in the examination process

Full name: Paul Griew

Organisation (where relevant): Cliff Road Action Group

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.: Article 1 to the Protocol of the European Convention on Human Rights states that: "Every natural or legal person is entitled to the peaceful enjoyment of his possessions". Policy AR03 contravenes this provision by forbidding individual householders their right to change or extend their properties as they see fit. If they understand that erosion might only allow them to enjoy their extensions for a few years, then that is their decision.

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The policy should be eliminated, which would solve the problem. If this is not done then at least following ""Within the Coastal Change Management Area (CCMA) defined on the Policies Map, proposals for new residential development, including the conversion of existing buildings, will not be permitted" the following sentence should be added: "This provision does not apply to individual householders". Thus this provision will not apply to "natural or legal persons" as in the ECHR.

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

1. The CCMA should not be imposed because: a. The National Guidance states: "The national approach to planning for coastal areas can be summarised as avoiding development in vulnerable areas" (Topic Paper CCF-005 para 3.1). I can see that a

CCMA might be applied where a new housing development is planned in an area which will be subject to erosion in 20 or even 50 years, but I doubt if the guidance was ever intended for a situation where it only affects individual existing householders, which is the case at Sidmouth East Beach. b. It unnecessarily restricts what householders can do with their own properties. Certainly, warn them during the planning phase that the property may be subject to cliff erosion in the coming years, but do not stop them from extending or re-building as they see fit. If they wish to enjoy the use of an extension over the next 20 or 50 years, knowing that it might be subject to erosion, then that is their prerogative. c. The evidence on which the rate of erosion is based is not solid. There have been at least four different analyses of erosion rates - Beach Management Plan (BMP 2016), Shoreline Management Plan (SMP 2010), the Outline Business Case (OBC 2024) and the University of Plymouth Study (UofP 2022) – and each has come up with very different answers. EDDC has also changed the rate of erosion it is using in the LP between drafts without adequate explanation of the scientific rationale, and the latest draft is based mainly on the number of responses received to a previous consultation (Topic Paper CCF-005 para 4.4). EDDC has decided not to use the data from the Plymouth Study and instead has opted for the Outline Business Case, which has been found to not be based on any evidence which is in the public domain. This is further evidence that the erosion rates being used are unreliable at best. The best available information on erosion rates has not been used. The Local Plan should use the Beach Management Plan data which is the only analysis not to have been contested and appears to be the most reliable for all time periods over the next 100 years. d.

Living on Cliff Road, we understand the rates of erosion better than any academic who has not even visited the area. The rates in the UofP study are greatly exaggerated and would have far reaching impacts for every resident. e. EDDC has repeatedly failed to implement sea defences to protect East Cliffs following the increased erosion brought about by the prior town sea defence work in 1995. EDDC also failed to undertake the East Beach replenishment work that was promised that would have alleviated some of the erosion. In 2016 EDDC completed their Beach Management Plan – which took 4 years to complete. No action has resulted in the subsequent 9 years since 2016. EDDC should not now impose a CCMA which would only exist due to their own original sea defence works and now to their inaction in not correcting this despite promises over the past 14 years. f. No account has been taken of the Beach Management Scheme (BMS) currently underway which will reduce the rate of erosion such that no properties will be at risk of cliff erosion in the next 100 years. The Environment Agency committed £16.5M to the Beach Management Scheme in 2023. This matters as these works will completely undermine the rationale for imposing the CCMA. g. In effect, by imposing this policy, EDDC will blight 20 houses based on unsound evidence and for no apparent reason.

2. If, even so, the CCMA is imposed, then: a. It should not restrict individual householders from extending or re-building their properties as they wish b. It should state that once the BMS has been implemented then policy AR03 will be eliminated from the LP. c. It should include a provision to commit to actively monitoring the coastal erosion retreat rates and updating future shoreline positions using the most recent retreat rates.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: Policy AR03 should be eliminated in its entirety since the only uncontested analysis of erosion rates at East Beach (the Beach Management Plan) shows that no properties are at risk within the next 100 years, and all the other analyses of erosion rates show that only individual households are affected.

If, despite this, the policy is retained then:

1. To the sentence: “Within the Coastal Change Management Area (CCMA) defined on the Policies Map, proposals for new residential development, including the conversion of existing buildings, will not be permitted.” should be added the sentence “This provision does not apply to individual householders”.

2. It should not restrict individual householders from altering their own properties as they so wish.

3. It should state that once the BMS has been implemented then policy AR03 will be eliminated from the LP. This will take into account to ongoing works.

4. It should include a provision to commit to actively monitoring the coastal erosion retreat rates and updating future shoreline positions using the most recent retreat rates. The policy will thus be based on evidence which is of greater validity.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: As someone greatly and adversely affected by this policy, I wish to ensure that my misgivings have been taken into account in the way the policy is taken forward

Full name: Paul Griew

Organisation (where relevant): Cliff Road Action Group

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:

Article 1 to the Protocol to the European Convention on Human Rights states that "Every natural or legal person is entitled to the peaceful enjoyment of his possessions". The policy of establishing a CCMA for individual households contravenes this right by not allowing a person to adapt, extend or modify his property.

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: None is possible.

The policy should be scrapped and no CCMA should be imposed.

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

1. The CCMA should not be imposed because: a. The National Guidance states: "The national approach to planning for coastal areas can be summarised as avoiding development in vulnerable areas" (Topic Paper CCF-005 para 3.1). I can see that a CCMA might be applied where a new housing development is planned in an area which will be subject to erosion in 20 or even 50 years, but I doubt if the guidance was ever intended for a situation where it only affects individual existing householders, which is the case at Sidmouth East Beach. b. It unnecessarily restricts what householders can do with their own properties. Certainly, warn them during the planning phase that the property may be subject to cliff erosion in the coming years, but do not stop them

from extending or re-building as they see fit. If they wish to enjoy the use of an extension over the next 50 years, knowing that it might be subject to erosion, then that is their prerogative. c. The evidence on which the rate of erosion is based is not solid. There have been at least four different analyses of erosion rates - Beach Management Plan (BMP 2016), Shoreline Management Plan (SMP 2010), the Outline Business Case (OBC 2024) and the University of Plymouth Study (UofP 2022) – and each has come up with very different answers. EDDC has also changed the rate of erosion it is using in the LP between drafts without adequate explanation of the scientific rationale, and the latest draft is based mainly on the number of responses received to a previous consultation (Topic Paper CCF-005 para 4.4). EDDC has decided not to use the data from the Plymouth Study and instead has opted for the Outline Business Case, which has been found to not be based on any evidence which is in the public domain. This is further evidence that the erosion rates being used are unreliable at best. The best available information on erosion rates has not been used. The Local Plan should use the Beach Management Plan data which is the only analysis not to have been contested and appears to be the most reliable for all time periods over the next 100 years. d.

Living on Cliff Road, we understand the rates of erosion better than any academic who has not even visited the area. The rates in the UofP study are greatly exaggerated and would have far reaching impacts for every resident. e. EDDC has repeatedly failed to implement sea defences to protect East Cliffs following the increased erosion brought about by the prior town sea defence work in 1995. EDDC also failed to undertake the East Beach replenishment work that was promised that would have alleviated some of the erosion. In 2016 EDDC completed their Beach Management Plan – which took 4 years to complete. No action has resulted in the subsequent 9 years since 2016. EDDC should not now impose a CCMA which would only exist due to their own inaction. f. No account has been taken of the Beach Management Scheme (BMS) currently underway which will reduce the rate of erosion such that no properties will be at risk of cliff erosion in the next 100 years. The Environment Agency committed £16.5M to the Beach Management Scheme in 2023. This matters as these works will completely undermine the rationale for imposing the CCMA.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: The policy should be eliminated from the LP for the reasons provided above. If, even so, the CCMA is imposed then: a. It should not

restrict householders from extending or re-building their properties as they wish b. It should state that once the Beach Management Scheme has been implemented the CCMA will be eliminated from the LP. c. It should include a provision to commit to actively monitoring the coastal erosion retreat rates and updating future shoreline positions using the most recent retreat rates

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: As the Leader of the Cliff Road Action Group (CRAG), I represent all the people affected by this policy, and we would wish to have our voices heard as these sessions

Full name: Mrs Elizabeth June Harman

Organisation (where relevant): Levis (Holdings) Ltd

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:

CCMA is a totally unjustified oppression of the Property owners who would be affected. I will definitely be joining in a submission to the European Court of Human Rights .
Quote: 'Under Article 1 of Protocol 1 to the European Convention on Human Rights (ECHR), everyone has the right to the peaceful enjoyment of their possessions, and no one shall be deprived of their possessions except in the public interest and under conditions provided by law and general principles of international law.' There is no public interest .

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: None . It is totally unjustified

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: I believe the forecast changes to the coastline were produced to allow this bureaucratic measure and ignored the historical knowledge of residents. The view of most local residents is that the measures to protect the town in 1995 are responsible for the loss of shingle on East Beach and it's reinstatement by the Beach defences now planned for 2027 will halt erosion even if better solutions are not acted upon.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of

the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: Stop kow-towing to unrepresentative National bodies and stand up for the people of Sidmouth. That's what you were elected to do ,not to waste time and effort on Bureaucracy

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter fails to comply with the duty to co-operate. Please be as precise as possible.:

This measure does not 'cross boundaries' other than that caused by you passing our East Beach Defence Scheme ,and presumably it's funding , over to BCP Council. This will allow it to be 'kicked down the road' and the funding dissipated on more Consultants and prevarication. What is the point of a Local Council if it does not take direct responsibility for it's area?

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: I want to see and hear the small-minded eco-vandals who will vote to destroy Sidmouth's unique and precious East view. They will not be forgiven.

Full name: Dr Robert Amos

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:

The use of arbitrary data (in this case a study commissioned with the University of Plymouth) in defining policy is not legal and is not justifiable. The CCMA cannot be defined by a single data source as it has huge impact on the properties and lives of their owners within that area. At worst there should be multiple studies commissioned so that data can be cross referenced and assumptions challenged. If multiple sources of data concur then a data map can be defined. A better approach and one that would not have a detrimental impact on the coastal properties would be to avoid creating an area which is blanket prohibited from development of any kind, but instead to assess each application for development on its own merit. If there is a good reason for not allowing development to go ahead then at least the coastal community wouldn't feel that it has been discriminated against without due consideration.

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Remove the defined CCMA map and boundary Allow all residential development applications to be assessed on their own merit

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: The reliance on a single source of arbitrary data which will most likely have flaws

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: As above

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter fails to comply with the duty to co-operate. Please be as precise as possible.: As drafted, the section on CCMA fails entirely to comply with a duty to co-operate because it discriminates against residential households. It is a travesty of justice that in this day and age we have to pander to such over cautious, environmentally driven stupidity at the expense of protecting and supporting the lives and wellbeing of our tax paying residents

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Julie Burdekin

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

Full name: Rebecca Elliott

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:

I don't understand why the homeowners in the CCMA aren't allowed to enjoy their properties in the same way as others

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: There is no evidence in the public domain to support the erosion rates used and its significantly more extreme than other recent studies.

I regularly walk the coast path down Cliff Road. Your proposal will blight this area and impact tourism and the local economy

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Use the BMP erosion rates

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Rebecca Elliott

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: Yes

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: I do not feel that a CCMA should be imposed for Sidmouth because:

1. I do not believe that the evidence on which the rate of erosion used in the Local Plan is sufficiently accurate. The University of Plymouth study erosion rates vary significantly from the 2016 BMP and the 2010 SMP (even taking into account the LP comments that the erosion rates used are worst case scenario). I feel it is unnecessarily creating scare tactics that will impact property values, saleability and resident morale - the LP is at risk of blighting an entire area of Sidmouth that is frequented daily by tourists (on whom our local economy depends) who walk the South West Coast Path. If the area becomes blighted, this will be picked up by the media (in the same way that the cliff fall did on Peak Hill) and I fear will discourage the tourism industry.

I note that East Devon DC has changed the erosion rates used in the different drafts - if your source data was considered reliable, then this would not have happened. I propose that the Local Plan should use the same data used by the BMP as that appears to be the most reliable.

2. Whilst the wording of the LP nods to the fact that it assumes no sea defence work, this seems a step too far when in fact there is an existing and current Beach

Management Scheme that has secured £16.5million of EA funding (in 2023). I propose that the LP is redrafted to acknowledge there is an active plan and at the very least commit to a 6-12 monthly annual review with updated erosion rates and maps.

3. EDDC is opening itself up to legal challenge from Cliff Road residents if it imposes the LP as drafted (with it's far reaching implications) given it's repeated failures to address the accelerated cliff erosion which has occurred directly as a result of the 1995 sea defence work for the town. At that time, EDDC committed to East Beach replenishment of shingle that would have provided some protection from erosion - but that has never been undertaken. Furthermore, there has been many attempts to implement a Beach Management Plan and each time the residents of Cliff Road were assured that action was being taken. The 2016 BMP took 4 years to complete and, 9 years later, we have yet to see any work being started.

4. The CCMA provides far reaching restrictions on the rights of homeowners to peacefully enjoy their own properties due to the proposed imposition of development and extension. This also will impact the ability of homeowners to sell their properties which in effect will blight an area of Sidmouth that is frequented daily by tourists. I do not relish the media coverage of the town that will ensue (although there would be valid argument to reduce our Council tax bandings when property values plummet!)

5. As far as I know, no effort has been made by EDDC to ascertain actual erosion rates and visit the properties on Cliff Road for actual, accurate source data. I do not believe it is equitable to impose such far reaching restrictions and implications on homeowners by basing the Plan on spurious data that is at odds with other studies.

6. If the erosion rates used in the Local Plan are accurate then this has far reaching implications for the town of Sidmouth and it's propensity for flooding, not to mention the newly rebuilt Alma Bridge with accompanying financial commitment.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have

identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: I strongly feel that the Local Plan needs to adjust it's basis of data to the Beach Management Plan for the above reasons. However if this is not done, then at the very least I suggest that the Local Plan commits to annual reviews an amendments of the erosion rates and relevant sections of the Plan.

7.7. We have collaborated with the University of Plymouth to predict coastal erosion and flooding, mapping areas vulnerable to coastal change over the next 20, 50, and 100 years. This work, aligned with the National Planning Policy Framework, forms the basis for identifying Coastal Change Management Areas (CCMAs). Detailed assessments, such as Beach Management Plans, have refined these areas and we acknowledge that there are differences between different studies.

7.7.1 Coastal erosion retreat rates should and will be monitored on at least an annual basis and future shoreline positions updated in the Local Plan using the most recent retreat rates, particularly where new coastal defence works have occurred. Specifically, given the planned and imminent coastal defences for Sidmouth's East Beach, reassessment of future shoreline predictions at East Beach will be essential as soon as works are started as will amendments to Coastal Change Management Areas (CCMAs) where indicated.

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Simon Freeman

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:

I believe that the EDDC local planning authority have not fully considered previous submissions by residents of Cliff Road and surrounding roads concerning the possible effects of coastal erosion.

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: We believe that the collaboration work with the University of Plymouth is unsound. The research project assumed that there are no coastal defences in place and maintained. The authors of the report by the University do admit that predicting erosion of coasts is very complex and hence the anticipated erosion of the cliffs and adjoining land is very difficult to calculate.

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: We believe that the collaboration work with the University of Plymouth is unsound. The research project assumed that there are no coastal defences in place and maintained. The authors of the report by the University do admit that predicting erosion of coasts is very complex and hence the anticipated erosion of the cliffs and adjoining land is very difficult to calculate. The rates of erosion quoted in the report are greatly exaggerated. The Local Plan also proposes that no planning applications for modifications or additional buildings should be permitted for residential properties in Cliff Road and surrounding roads. What is the reason for this proposal? Surely, providing that a

planning application has been prepared in an acceptable format by a qualified person and that the design complies with the acceptable guidelines issued by Sidmouth Council, the onus should be on the person submitting the planning application to ensure that the property will be "safe". No one would submit a planning application for a building in a situation that would be in imminent danger of collapse due to cliff erosion! But the "life expectancy" of the houses on Cliff Road whose gardens back onto the sea would be at least 60 years from now.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

1. Once the Sidmouth Beach Management Plan has been implemented and the additional gryones are in place, the CCMC should be deleted from the Local Plan.
2. EDDC should have a plan to actively monitor the coastal erosion of the cliffs in this area. This should provide accurate data on the erosion rate.
3. There should not be any restrictions on householders if they wish to modify existing buildings or add additional buildings in this area.

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter fails to comply with the duty to co-operate. Please be as precise as possible.: Although the Local Plan is available on the EDDC web page, I am not sure whether this is sufficient, as the legislation states that all those people who may be affected by the Local Plan should be notified. How have those without internet connection been informed?

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Simon Elliott

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:

I consider it to be restrictive to the human rights of the individuals directly affected and therein not compliant with human rights law. I believe the information being used for erosion in this area is out of date and unrepresentative of the actual detail.

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Sections 7.6 to 7.9 should be removed so as not to have a detrimental effect on the homeowners in Cliff Road and the adjoining area.

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: The erosion rates specified are incorrect. None of the property owners in Cliff road have been asked to provide information on the actual erosion they have experienced or provided access for independent assessment. All property owners in Cliff Road agree that the Erosion rates specified are wildly over exaggerated. The CCMA is punitive to the homeowners in this location. To prevent them being able to extend, modify or rebuild will unnecessarily blight these properties. No account has been taken of the Beach Management Scheme which has agreed funding exceeding £16M to reduce erosion on Sidmouth's East Beach. The erosion prevention work is a direct result of sea defence works carried out by the council in 1995. At that time it was agreed that the works would worsen the erosion of the east beach area and therefore regular beach replenishment would be undertaken to shore up the cliff defences. This has not happened and

therefore the Erosion is not significantly related to Climate change, more that it is a direct effect of poorly executed human intervention.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: Sections 7.6 to 7.9 should be removed so as not to have a detrimental effect on the homeowners in Cliff Road and the adjoining area. It should not prevent home owners from renovating their homes (with planning permission) It should have a means of being revoked if the data is proven to be incorrect or the data changes due to preventative works (Such as, but not limited to, the Beach Management Plan).

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter fails to comply with the duty to co-operate. Please be as precise as possible.: There has been no direct liason between the authors of the CCMA and the property owners. The CCMA will have such a significant effect on the home owners and local residents that it is unreasonable not to have made direct representation of the plan. Many of the residents are elderly and do not regularly use the internet, none have received any direct form of communication from the people proposing the CCMA. How can this meet any duty to co-operate?

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: For the reasons I have previously outlined I do not trust the authors or those undertaking the CCMA to use up to date information or communicate adequately with the residents. The residents are the people best positioned to provide the up to date information sorely missing from the CCMA . It should also be their right to peaceful enjoyment of their possessions, which to date does not seem to have been considered.

Full name: Colin Hamilton

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:
No protocol or direct consultation with affected residents.

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: True science not a Plymouth University student module...

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: True science not a Plymouth University module...

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Respect the science provided by CRAG and not be wilfully neglectful.

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter fails to comply with the duty to co-operate. Please be as

precise as possible.: No direct consultation with each individual resident concerned and a rather sneaky underhand process only discovered by due diligence.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Individual right to private enjoyment and improvement of existing private property is not addressed. Cliff Road EX10 8JN is not a new development but established for over 1 hundred years. Willful neglect over many years by EDDC and intended willfull neglect by both EDDC and other agencies involved in this process.

Full name: Christopher Roy Holland

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:

It appears unreasonable to disallow an existing owner of a property within the area designated for planning constraint from making adjustments to their own property in order to meet their own changing needs. Given that there are many retirees resident within this area, changing needs relating to mobility and access or other health issues are relatively likely to occur.

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: It would seem to be reasonable to allow existing property owners to be able to apply for and where appropriate receive planning approval for changes to their own properties.

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: The development and formulation of the local beach management plan for the Eastern end of Sidmouth involved the expenditure of substantial sums of money to acquire two separate detailed and local consultancy reports on the process and rates of local erosion and how best to control. This data must be more specific to our local problems and needs than the later Plymouth University paper which is much more general in nature covering the whole miles of the S.W. coast line.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have

identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: Revert to using the detailed local consultancy reports in formulating our local policies. To also take account of the beach management plan and the effects of this plan on reducing coastal erosion once completed.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Graham Keen

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:

This issue is far more important than a simple form filling exercise. The absurd proposal suggested by EDDC is an ill conceived solution to a problem created entirely by EDDC's predecessors. For more than two decades EDDC refused to acknowledge that the unfinished 1995 scheme was causing any problems to the East Beach. The original sea defences scheme to protect Sidmouth's shoreline was halted early before it was completed. A third rock island was proposed to protect the beach to the East of the River Sid. Under EDDC's watch the third rock island which was proposed to protect the beach to the East of the River Sid was scrapped; the ensuing catastrophic beach & cliff erosion has been exponentially accelerated as a result. A simple example can be seen from old postcards & photographs of Sidmouth's seafront. Unprecedented levels of procrastination by subsequent Councils on a monumental scale have been the root cause of what has been a catalogue of man-made problems. eg removing the cliff drainage system from Alma Field on Salcombe Hill; removing the old wooden breakwaters – a vital element of any coastal management system that minimises erosion. EDDC has a responsibility to fix the problem it has created rather than ignore the issue and impose ludicrous restrictions, under the proposed CCMA, to local homeowners' freedoms to enjoy an unfettered quality of life just as all other local inhabitants are able to do.

Full name: Stephen Lee-Kelland

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:

Policy AR03 has significant impact on development and investment in East Town Sidmouth for up to 90 years beyond the five year lifetime of the Local Plan.

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: According to the NPPF "186. Local planning authorities should limit the planned lifetime of development in a Coastal Change Management Area through temporary permission and restoration conditions, where this is necessary to reduce a potentially unacceptable level of future risk to people and the development."

If a building will fall into the sea in 30 years any improvements to the building are naturally of limited lifetime. There is no need to ban improvements such as extensions in a CCMA because they are naturally temporary in these areas.

The NPPF does not authorise Local plans to ban all domestic improvements.

It is also the case that Local Plans have a five year duration. As such they cannot bind developments for the next 100 years. Attempts to do this should lead to valid claims from landowners for compensation if it becomes apparent that a prediction that land will be lost to the sea in 100 years is false.

The wording of the Local Plan Policy AR03 should be amended from paragraph 3 to:

"In parts of the CCMA expected to be at risk within a 0-to20-year time horizon (2020 to 2040), all developments are temporary. During the period of this Plan the following developments will be permitted:

A. Temporary development directly related to the coast, such as beach huts, cafes, car parks or sites used for touring caravan and camping B. Temporary modifications to other existing commercial facilities where a positive link can be made to the local economy; C. Mitigation measures for dealing with coastal change that are in accordance with the relevant coastal strategy; or D. Nationally significant infrastructure projects related to offshore development that are constructed to withstand the impacts of the expected coastal change." E. Home improvements such as extensions where it is understood that the improvement will not survive the home.

The rest of the section, up to paragraph 7.9 (headed Justification for Policy) should be deleted.

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Policy AR03: Coastal Change Management Areas (CCMAs) is not sound.

Estimates of coastal erosion in East Beach vary from 20m in 100years to 150m in 100 years. The estimate used in the Local Plan seems to be the highest estimate to date.

In the Sidmouth & East Beach Management Plan (Coastal Processes Baseline), commissioned by EDDC, the East Beach at Sidmouth is not projected to erode as far as Cliff Road in 100 years <20m. Yet in the Local Plan the erosion is predicted to erase most of Beatlands Road (150m in 100yrs).

See https://eastdevon.gov.uk/media/1676177/sidmouth-bmp_coastal-processes-baseline_final_20-01-2016.pdf and <https://eastdevon.gov.uk/media/0q5lai3a/cfl-007-ccma-methodology.pdf>

It can never be sound to adopt the most extreme prediction for events as a basis for policy.

The huge difference between predictions is to be expected when predicting over a time line of 50-100 years. The Council should limit its policy to what is likely in the next five years (the life of the Local Plan). To do otherwise is not sound.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The wording of the Local Plan Policy AR03 from paragraph 3 should be amended to:

"In parts of the CCMA expected to be at risk within a 0-to20-year time horizon (2020 to 2040), all developments are temporary. During the period of this Plan the following developments will be permitted:

A. Temporary development directly related to the coast, such as beach huts, cafes, car parks or sites used for touring caravan and camping B. Temporary modifications to other existing commercial facilities where a positive link can be made to the local economy; C. Mitigation measures for dealing with coastal change that are in accordance with the relevant coastal strategy; or D. Nationally significant infrastructure projects related to offshore development that are constructed to withstand the impacts of the expected coastal change." E. Home improvements such as extensions where it is understood that the improvement will not survive the home.

The rest of the section, up to paragraph 7.9 (headed Justification for Policy) should be deleted. (all mention of 20-100 yrs should be removed)

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter fails to comply with the duty to co-operate. Please be as precise as possible.: The people who wrote the Local Plan seem unaware of the Sidmouth Beach Management Scheme. This scheme is receiving £16.5 m from the Environment Agency. It will completely change the predictions for East Beach Sidmouth. It may even prevent erosion.

The whole of the CCMA for East Beach will be incorrect.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: Policy AR03: Coastal Change Management Areas (CCMAs) is entirely inappropriate for Sidmouth East Beach It will blight East Town Sidmouth.

Full name: Anthony AJ Miller

Other party name (if relevant): Uplands

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.: Imposition of this plan conflicts with my human rights, in particular peaceful enjoyment of my property as cited in the ECHR ruling

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Delete this part of the local plan

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Denies property owners rights to develop their property. will cause property to reduce in value Will make more difficult to sell property Evidence of coastal erosion vary widely and is therefor not a firm basis for local plan decisions

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Delete this part of the local plan

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter fails to comply with the duty to co-operate. Please be as precise as possible.: See answer to soundness question

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: To ensure property owners concerns and rights are seriously considered and actioned upon.

Full name: Mary F Miller

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.: the ECHR states we have the right to peaceful enjoyment of our property, which includes housing. Carrying out this section of the local plan will seriously impede this right.

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Local plan should be revised to exclude this section

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Right to extend or develop one's property is denied. Value of property will reduce Selling a property will be more difficult as a result A local plan should be based on sound evidence - this is not the case as previous erosion rates and timing vary considerably.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Local plan should not included decision making evidence which varies so widely.

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter fails to comply with the duty to co-operate. Please be as precise as possible.: See answer to soundness question

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Peter David Sinton

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:

Para 7.9 states that CCMA's are not necessary where there is a shoreline Management Plan to 'hold the line' . There is a plan which includes measures relating to the beach adjoining the Cliff Road area of the Map which may 'hold the line' but could and should be modified to 'hold the line.' permanently.

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: The CCMA policy is premature and based on highly suspect academic studies encouraged by Natural England to destroy our precious cliffs. They have no National or Local Democratic Mandate and should be ignored by our locally elected Authorities. As the country is still a member of the European Court of Human Rights the issuing of a CCMA blights the value of all properties within it and as such breaches the residents human rights.

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: The loss of any of the cliff is entirely and cheaply preventable even by natural means. If the 'experts' study the cliffs between Shaldon and Babbacombe they will see large sandstone boulders at the base of the cliffs that have prevented erosion from even severe Easterly winter storms. Here the problem is that our Sandstone is friable and when slabs of it fall due to undermining , it breaks into small pieces which quickly get washed away .Then the base of the cliff continues to be undermined by wave action and shingle impact. There are plenty of local sites where more durable sandstone could be obtained to

place a natural looking line of large boulders at the base of the cliff. Alternatively a Sandstone coloured concrete and sandstone aggregate could be used . The current cost of a cubic metre of this would be less than £130 and as such each house could be protected by say 20 large natural looking pre-cast boulders at a material cost less than £10000. In conjunction with the already planned groyne and shingle recharge this would satisfy clause 7.9 and render the CCMA unnecessary . Better still would be a narrow cast in-situ reinforced concrete strip similar to that around Jacob's Ladder and which could hardly be considered an eyesore by normal people. Every seaside town has such works and again render the CCMA unnecessary.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph.

Please be as precise as possible.: Abandon issuing the CCMA and improve the Beach Defence scheme to permanently 'hold the line' for the benefit of all local people .

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: Yes

4(a). If yes, and you wish to support this part of the Adapting to Climate Change chapter's compliance with the duty to co-operate, please use this box to set out your comments.: Yes but shouldn't . Locally elected Authorities should operate to carry out the wishes of their electorate not those of unelected and unrepresentative Bodies such as Natural England.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: The views of local people are not being supported or even considered by Councillors or Councils.

Full name: Benjamin James Smith

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:

I believe that the CCMA implications for individual home owners contravenes their rights under European Law.

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: I understand why large infrastructure projects for the benefit of the wider community may be better developed elsewhere. Stopping individual homeowners developing their properties need to be removed though.

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: I believe that it is not sound for the following reasons:

1. The CCMA restricts what individual householders can do with their own properties. The ECHR asserts that individuals are entitled to 'peaceful enjoyment of their possessions' and this contravenes that right under European Law.

2. There is significant doubt and disagreement over the evidence on which the rate of erosion is based. There are multiple sets of data all generating differing predicted erosion rates. There is the Beach Management Plan data (BMP 216), the Shoreline Management Plan data (SMP 2010) and the University of Plymouth Study data (UofP 2022). All data sets differ and contradict one-another. The data on which the CCMA is based is therefore unclear and in doubt. The Local Plan has used multiple and differing data for erosion across drafts of the LP but this has not been explained. It is a very bold move to assert the rates that are being asserted based on the scientific evidence.

3. EDDC is responsible for the beach at East Beach Sidmouth and for sea defences. EDDC has not implemented sea defences to protect East Beach Sidmouth. In 2016 EDDC completed the Beach Management Plan (BMP) – which took 4 years to complete. No action has resulted in the 9 years since 2016 and no protections have been provided.

4. Most importantly, there is an imminent Beach Management Scheme (BMS) for East Beach Sidmouth that aims to reduce the rate of erosion. Environment Agency money has been secured - approx £16.5M to complete the works. This is crucial as these works will significantly improve erosion rates and alter the CCMA.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Essential modifications are as follows:

1. I believe that the CCMA implications for individual home owners contravenes their rights under European Law and that this restriction should be changed

2. The Local Plan must clearly say that once the Beach Management Scheme has been implemented the CCMA will be immediately reviewed

3. The current predicted erosion figures only apply 'without further management of the site' - University of Plymouth. Further management of the site is about to happen. The CCMA is then immediately in doubt.

Proposed new wording is as follows - an addition to 7.7 - thank you for considering:

7.7.1 Coastal erosion retreat rates should and will be monitored and future shoreline positions updated using the most recent retreat rates, particularly where new coastal defence works have occurred. Specifically, given the planned and imminent coastal defences for Sidmouth's East Beach, reassessment of future shoreline predictions at East Beach will be essential as soon as works are complete as will amendments to Coastal Change Management Areas (CCMAs) where indicated.

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: Yes

4(a). If yes, and you wish to support this part of the Adapting to Climate Change chapter's compliance with the duty to co-operate, please use this box to set out your comments.: Yes, assuming that these representations are considered and taken into account - thank you

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: Yes, I wish to participate in hearing session(s)

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: I would like the opportunity to verbally articulate my concerns and my arguments - thank you for your consideration

Full name: Louise Thompson

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: Yes

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: No

4(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter fails to comply with the duty to co-operate. Please be as precise as possible.: The CCMA shouldn't be imposed because as I understand it the evidence base for the rate of erosion is not accurately determined within an acceptable margin of error due to the conflicting conclusions of several studies. This being the case until there is scientific consensus it does not seem fair to restrict what property owners can do with their own properties and money to improve and maintain their homes. I also believe that the long promised Beach Management Plan for which funding was secured years ago will make a significant difference and the public time and money going into this consultation would be FAR better spend IMPLEMENTING the actual PLAN to preserve the coastline. It took EDDC 4 years to complete the plan (which is astounding in itself) and NO ACTION has been taken since it was completed in 2016. 9 years ago! If EDDC are that concerned with this cliff eroding (which they should be) surely the focus should be on doing the actual WORK to protect it? This is less about individual property owners decisions and far more about why the £16.5M of funding secured from DEFRA in 2023 has not been spent to protect the east cliff.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Richard Watson

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Surprise that EDDC is accepting Plymouth University's revised assessment that Sidmouth East Beach cliff erosion has accelerated from less than 1m per year to 2.5m per year, in a very short time, without getting a second opinion. Is this failure of "Duty of Care" ? This part of the plan is NOT sound. This revised assessment by Plymouth University and acceptance by EDDC will affect Sidmouth Town Centre, Sidmouth Swimming pool, Pennington Point, The Ham, SWW, and Cliff Road. This could be an oversight at the draft stage of the Local Plan. The Plan could be easily amended, or if left unaltered a case questioning "Duty of Care" resulting in a Judicial Review, could be forthcoming. If the revised erosion rate is correct the value of all properties in the affected area will have a greatly reduced freehold value and may be unsellable. This in turn could affect the Rateable Values and so greatly reduce the Council Tax revenue, Business Rates income and Sidmouth as a holiday town. Once the East Beach Protection Scheme is built, Sidmouth Town Centre, Sidmouth Swimming pool, Pennington Point, The Ham, SWW, and Cliff Road will all be safe again and the proposed building embargo should be lifted. The only visible problem to protect Sidmouth is English Heritage assisted by Plymouth University revised erosion rate.

Full name: Pauline Wells

Other party name (if relevant): Ruan House

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: No

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.:

I question whether the data being used from the University of Plymouth Study from 2022 can legally be used. It has never been corroborated. It was based on Country wide erosion rates and not specific to Sidmouth erosion rates.

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

1. The Local Plan was using data from the Beach Management Plan (2016) and, without any scientific rationale, changed to using data from the University of Plymouth. The Local Plan should return to using the data from the Beach Management Plan; it is specific to Sidmouth and would seem to be the best guide to all time periods over the next 100 years.

2. It should take into account the funded Beach Management Scheme intended to reduce the rate of cliff erosion in the next 100 years so that no properties are at risk during this time.

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

1. The proposed imposition of the CCMA is not based on any proven data erosion rates and should not go ahead. During planning EDDC has looked at three very different

analyses of erosion rates - the Shoreline Management Plan (SMP) from 2010, the Beach Management Plan (BMP) from 2016 and the University of Plymouth (UoP) from 2022. All came up with very different calculations. Between drafts of the Local Plan EDDC has changed the erosion rates it is using without any scientific reasons being given. EDDC have decided not to use Plymouth's data for periods past 100 years which might indicate the erosion rates being used could be unreliable.

2. I have lived here for 17 years and have been aware of the cliff falls. The erosion rate I have observed seem to bear no resemblance to the alarming rates calculated by the University of Plymouth.

3. I understood the purpose of a CCMA was to avoid development of new properties. The CCMA should not be imposed because it will restrict, without proof, householders right to change or extend their own properties.

4. EDDC has repeatedly failed to implement sea defences to protect the East Cliffs. The sea defence work in 1995, which was never implemented in its entirety - the 3rd rock island at the Training wall being cancelled without good cause - increased the erosion rate of the East Cliffs. EDDC failed to implement replenishment work of the East Beach promised to alleviate part of the erosion. EDDC took 4 years to complete a Beach Management Plan announced in 2016. Nothing has been done in the last 9 years.

5. The Environment Agency committed 16.5 million to the Beach Management Project (BMP) in 2023; it is believed to be underway and will reduce the rate of the cliff erosion during the next 100 years such that no properties will be at risk. This has not been taken into account and this matters because the results should significantly affect the data being used to justify the CCMA.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.:

1. The Local Plan should use the Beach Management Plan data because, for the next 100 years, it seems to be the most dependable for all time periods.
2. If the CCMA is imposed - include a statement the CCMA will be removed from the Local Plan once the Beach Management Scheme has been implemented.
3. There should be a commitment to monitor regularly the erosion rates and to keep the future shoreline positions updated with the most recent data
4. The CCMA should not apply any restrictions on the current householders. Do warn anyone applying for Planning permission that their property might be affected by cliff erosion in future years but let them make the decision to carry on with the Application.

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Tony Burch

Organisation (where relevant): Board Member - Sidmouth and East Beach Management Plan and Scheme

Other party name (if relevant): EDDC Cllr Geoff Jung and Sidmouth Town Council chairman Chris Lockyear have asked me to let know they agree with my submission

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

2(a). If yes, and you wish to support the legal compliance of this part of the Adapting to Climate Change chapter, please use this box to set out your comments.: NA

2(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not legally compliant. Please be as precise as possible.: NA

2(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter legally compliant, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: NA

3(a). If yes, and you wish to support the soundness of this part of the Adapting to Climate Change chapter, please use this box to set out your comments.: NA

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.:

1. The CCMA map east of the River Sid in Sidmouth (along Cliff Road) is not justified because it is not based on solid evidence in the LPA evidence library - hence it is not sound.

1.1 SUMMARY

Fact 1 - The Sidmouth CCMA map along Cliff Road is drawn in accordance with Figure 7 in the Outline Business Case (OBC Fig 7).

Fact 2 - OBC Fig 7 is based on an “update” of the 2017 BMP using “more recent data”

Fact 3 - Evidence of the “more recent data” and how the “update” was carried out with that data in order to produce OBC Fig 7 and hence the CCMA along Cliff Road does not exist in the LPA evidence library.

Conclusion: In the light of facts 1, 2 & 3 it follows that the CCMA along cliff Road is not justified because it is not based on solid evidence in the LPA evidence library.

1.2 DETAILS of evidence in support of Facts 1, 2 & 3

1.2.1 - Evidence in support of Fact 1 – ‘The CCMA map along Cliff Road is drawn in accordance with Figure 7 in the Outline Business Case (OBC Fig 7)’.

a) Topic Paper CCF-005 on Coastal Change / paragraphs 4.4, 4.5 and 4.6 and foot note 30 - explain: The CCMA boundary “east of the River Sid in Sidmouth” (see para 4.4) (i.e., along Cliff Road) is drawn “in accordance with the BMP OBC line” (see para 4.6) where, according to foot-note 30, that line is “Figure 7 on Page 11 of the Outline Business Case” (OBC Fig7).

Note: The acronym ‘BMP OBC’ in the Topic Paper is not correct because the BMP (Beach Management Plan) did not have an OBC (Outline Business Case). The later Beach Management Scheme (BMS) has an OBC. For consistency with the Topic Paper and to avoid confusion, I will continue to use the acronym ‘BMP OBC’ even though it should be BMS OBC.

Copy of OBC Fig 7 on page 11 of 100 here: <https://rb.gy/nw18cc>

Please note: 1) the labels [0-10 yrs. (2.1m/yr = 21m)], [10-20 yrs. (2.1m/yr = 21m)] and [20-100 yrs. (0.6m/yr = 51m)] for future reference. 2) The label [Approx. 30m retreat over 32 years] appears to apply to the retreat between 1949 and 2017 cliff lines, in which case the label is not correct because it is 68 years between 1949 and 2017. The LPA were asked if this error made any difference to predicted erosion lines. They did not answer the question.

1.2.2 - Evidence in support of Fact 2 – ‘OBC Fig 7 is based on an “update” of the 2017 BMP using “more recent data”’.

a) 05 March 2025. I emailed the LPA with: “I have not been able to find the evidence in the OBC and its appendices upon which OBC Fig 7 is based. Please let me know where it is. In particular I would like to see the evidence for the labelled erosion rates of 2.1m/year for 0-10 years and for 10-20 years and of 0.6m/year for 20-100 years (that are in OBC Fig 7).

b) 12 March 2025 the LPA replied with: “I have been advised the erosion rates in the Sidmouth BMP OBC were based on Appendix D of the OBC - see section 3.3.2. Effectively the 2017 BMP numbers were used as a starting point and revised upwards to

reflect more recent/frequent cliff recession that occurred after the 2017 BMP work was done”

c) Appendix D (dated 18 Jan 2023) / Section 3.3.2 states: “It is outlined in the BMP that East Beach cliff will continue to retreat over the next 100 years. The BMP noted that the lowest estimate of retreat would be 20.9m and the upper estimate of retreat would be 30.9m. These rates were updated to use more recent data, as cliff erosion appears to have accelerated in the past decade. With the revised rate of -2.1m / year between year 0 to 20 years and 0.6m / year between year 20 and 100, the cliff is estimated to retreat by 92.5m over 100 years. The BMP also provides estimates on the residual life of the training arm and wall along the River Sid.”

Note:

- the underlining and the emboldening are mine
- the “revised rate of -2.1m / year between year 0 to 20 years and 0.6m / year between year 20 and 100” is exactly the same as on OBC Fig 7 above, except for the typo error ‘-2.1’ which should be ‘2.1’

The main points in Section 3.3.2 are; i. The BMP (this is dated 2017) predicted the cliff would retreat 20.9/30.9m over the next 100 years. ii. The 2017 BMP was ‘updated’ in circa Jan 2023 with ‘more recent data’, which predicted the cliff would retreat 92.5 m over the next 100 years iii. Fig 7 in the OCB and hence the Cliff Road CCMA are based on that ‘update’.

Hence, the evidence that underpins OBC Fig 7 and therefore the CCMA along Cliff Road boils down one sentence in Section 3.3.2. That sentence is: These rates were updated to use more recent data, as cliff erosion appears to have accelerated in the past decade.

d) For there to be ‘solid evidence’ to justify the CCMA along Cliff Road, evidence of the ‘update’ and the ‘more recent data’ needs to be reliable and publicly available/in the LPA evidence library. So, I asked the LPA where to find it

1.2.3 - Evidence in support of Fact 3 - ‘Evidence of the “more recent data” and how the “update” was carried out with that data in order to produce OBC Fig 7, does not exist in the LPA evidence library.’

a) 17 March 2025. I email the LPA asking: “Please let me know where to find that ‘more recent data’ and how the ‘update’ was carried out” b) 21 March 2025 the LPA replied with: “I am advised that there is no further detail in the RHDHV OBC documents setting out what additional data they reviewed in their work to update the CH2M analysis. It is assumed that there would have been more photography and survey data available post the CH2M work, but if you wish to explore this further, you would need to ask RHDHV if they can advise.”

Note: RHDHV were EDDC’s consultants who produced the OBC and wrote S3.3.2 and CH2M (formally Halcrow) were EDDC’s consultants who produced the BMP to which S3.3.2 refers. Note: Because the LPA in effect advise.... If I want to see the evidence of the ‘more recent data’ and a report of how it was used to ‘update’ the BMP work, I will need to ask the Consultants RHDHV for it.... therefore, I assume that evidence has not been published and it is not in the LPA evidence library.

Hence evidence of the ‘more recent data’ and how NHDHV used that data to ‘update’ the BMP does not exist in the LPA evidence library.

1.2.4 - Conclusion: In the light of facts 1, 2 & 3, supported by the foregoing evidence, it follows that the CCMA along cliff Road, which is based on OBC Fig 7, is not justified because it is not based on solid evidence and therefore the Sidmouth CCMA along Cliff Road is not sound.

1.3 Notwithstanding that conclusion there is evidence that, according to the LPA is not in their evidence library which, if correct, shows OBC Fig 7 and hence the CCMA along Cliff Road is based on a biased analysis of the ‘more recent data’. This is explained in section 2 of this submission.

2. There is evidence on an EDDC web site that according to the LPA is not in their evidence library that, if correct, shows OBC Fig 7 and hence the CCMA along Cliff Road is based on a biased analysis of the “more detailed data”. If that evidence is correct (or not challenged by the LPA) then the CCMA along Cliff Road is based on biased evidence, without explanation and justification, in which case it is not solid evidence and therefore it is not justified and sound.

2.1 EDDC’s BMP web site <https://rb.gy/23xrvz> contains a CCMA FAQ section that, according to the LPA... “was written to support the publication of the initial University of Plymouth work on coastal change in East Devon”

2.2 In their email of 12 March 2025 at 1.2.2.b above, the LPA provided this summary: “Effectively the 2017 BMP numbers were used as a starting point and revised upwards

to reflect more recent/frequent cliff recession that occurred after the 2017 BMP work was done”

2.3 FAQ 17 partly explains... ‘how the 2017 BMP numbers were revised upwards’. That explanation is reproduced in the FAQ 17 box below.

In effect the answer to FAQ 17 explains... The BMP estimate of predicted cliff recession of 20.9 to 30.9 m in the next 100 years, that was based on a detailed analysis cliff recession from 1948 to 2015, was revised upwards to 92.5m in the next 100 years on the basis of the suggestion... to be cautious the worst transect (i.e., the transect with the worst erosion in the last decade) should be used to predict cliff recession for the next 20 years and “the longer term average rates” should be used to predict cliff recession for years 20 to 100.

2.4 The acknowledgement in FAQ17 that the ‘worst transect’ was used to predict cliff recession along the whole of Cliff Road for the next 20 years is evidence of a bias to the worst-case scenario for drawing the CCMA along Cliff Road.

Moreover FAQ 17 does not explain the following.

1. The ‘Halcrow calculation’ that was updated, involved the measurement of cliff recession along ten transects T30 to T342 (see glossary Fig 1)
2. Hence transect 31 is the worst of the 10 transects along East Cliff.
3. T31 is at the far western end of East Cliff in the middle of 4 faults (see Glossary Fig 2) hence it is not representative of erosion along the whole of Cliff Road.
4. FAQ 17 gives no reason for using the worst-case scenario except - “to be cautious” - and no explanation of why and for what purpose ‘caution’ was needed, is given.
5. Regarding the FAQ 17 text... “The analysis also showed transect 31 erosion was higher than the others. Therefore, it was suggested to be cautious...” there is no

explanation why there was a need to be cautious simply because the erosion at transect 31 was higher than the others. It may have been higher than the others simply because the Mercia Mudstone cliff top at T31, recently slid over the harder Otter Sandstone (see fig 3 below) or because T31 is in the middle of a fault zone (see fig 2 below) which is more vulnerable to erosion than the rest of the cliff along Cliff Road. Important geological details such as this were not mentioned in the explanation in FAQ17

6. The bias to the worst-case scenario to draw the CCMA along Cliff Road is contrary to CCMA FAQ 3 < <https://rb.gy/kq0pq9> > that explains: “the reasonable worst-case scenario has been modelled for the CCMA”.

7. FAQ 17 gives no evidence of how ‘the longer-term average rates’ were determined.

2.5 Hence if FAQ 17 is correct, then... because the CCMA along cliff Road is based on biased evidence for which no reason or justification is given, and the bias does not represent the reasonable worst-case scenario ...the CCMA along Cliff Road is not based on solid evidence and therefore it is not justified and sound

BMP - 2017 Beach Management Plan OBC - 2023 Outline Business Case for the Beach Management Scheme RHDHA - EDDC's consultants who produced the OBC Halcrow (now CH2M) - EDDC's consultants who produced the 2017 BMP The Halcrow calculations - The analysis of cliff recession, as reported in the BMP Baseline Coastal Process Report https://eastdevon.gov.uk/media/1676177/sidmouth-bmp_coastal-processes-baseline_final_20-01-2016.pdf - Chapters 5, 6 & 7 & appendix B The 'rates for 2006-2018 are 2.1m/yr and 1946-2018 are 0.6m/yr.' - These rates are the same as shown on OBC fig 7 in S1.2.1 Transect 31 - this is one of 10 Transects (T 30 to 342) for East Beach used in the "Halcrow calculations". Note: T31 is located in the middle of 4 geological faults between T29 and T32

CCMA along Cliff Road. The amended CCMA along Cliff Road runs from just before T30 to just past T331

3. There are the following errors in the Coastal change Topic Paper CCF-005 that affect the reasoning therein.

3.1 Para 4.5 states... “This includes constructions designed to slow the rate of erosion from the existing levels on which the University of Plymouth work is based”. That statement is not correct because the UofP work did not reflect the ‘constructions designed to slow the rate of erosion from the existing levels’. That error is confirmed by para 4.6 that states.... “It also reflects the fact that the Plymouth work was based on past erosion rates and did not take account of the proposed works at Sidmouth that will slow the rate of erosion”. That misunderstanding upsets the reasoning in 4.5 that is used to justify the use of the “BMP OBC plan (i.e., fig 7 in the OBC) that shows a much slower rate of retreat than the Plymouth Study” to draw the CCMA along Cliff Road.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Regarding:

- The CCMA map east of the River Sid in Sidmouth (along Cliff Road) is not justified because it is not based on solid evidence in the LPA evidence library - hence it is not sound - in section 1.
- There is evidence on an EDDC web site that according to the LPA is not in their evidence library that, if correct, shows OBC Fig 7 and hence the CCMA along Cliff Road is based on a biased analysis of the “more detailed data”. If that evidence is correct (or not challenged by the LPA) then the CCMA along Cliff Road is based on biased evidence, without explanation and justification, in which case it is not solid evidence and therefore it is not justified and sound - in section 2

Suggested modification to make the CCMA map along Cliff Road, sound.

In accordance with the principle of considering recent evidence from detailed studies in the designation of a CCMA:

1. Draw the northern boundary of the CCMA along Cliff Road in accordance with the 100-year cliff recession line as shown in Figure 7-1 on page 109 of the 2017 BMP's Baseline Coastal Process report < <https://rb.gy/zw3vv7>>, where detailed, solid evidence for Figure 7-1 exists to justify using it to draw the CCMA along Cliff Road. Fig 7-1 is reproduced below. Is there a reasonable alternative to the BMP prediction? Is the OBC Fig 7 a reasonable alternative It may be argued.... because Local Plan making should use up-to-date evidence, 2023 OBC evidence should be used in preference to the 2017 BMP evidence. Not with standing there is no OBC evidence except the sentence ... "These rates were updated to use more recent data, as cliff erosion appears to have accelerated in the past decade." that would not be good coastal erosion risk management practice because, on its own the most up-to-date measurement of the rate of erosion is not an indicator of the future rate of erosion. For instance, the most up to date measurement of cliff recession may have been taken just after 5m of the cliff top fell to the beach, which would not be an indicator of the future erosion rate. Did that happen at Transect 31, we don't know. That is why long-term average of cliff recession is used to predict future rates. The longer the term the better. The predicted erosion rate in the BMP is based on a publicly available and detailed analysis of 67 years of recorded erosion, whereas the OBC rate is based on the sentence ...These rates were updated to use more recent data, as cliff erosion appears to have accelerated in the past decade.... for which there is no evidence. Is the Plymouth Study a reasonable alternative. Bearing in mind the LPA decided OBC prediction was a reasonable alternative to the Plymouth prediction, it would be illogical for them to conclude the BMP prediction, which is far more robust than the OBC prediction, is not a reasonable alternative to the Plymouth prediction.

2. When the forthcoming Sidmouth and East Beach Management Scheme has been designed draw the northern boundary in accordance with the predicted recession prior to the construction of the scheme (which will be determined as part of the detailed design)

3. When the forthcoming Sidmouth and East Beach Management Scheme has been constructed draw the northern boundary in accordance with the predicted recession post construction of the scheme (which will be determined as part of the detailed design)

4. 5 to 10 years after construction of the Sidmouth and East Beach Management Scheme, adjust the northern boundary in accordance with the results of the analysis of monitoring since the scheme was constructed.

Note. The new Coastal Erosion Risk Mapping (NCERM) has been produced by the EA to inform Shoreline Management Plans. SMPs are high level plans that give way to detail in lower level, more detailed Beach Management Plans and Schemes. Therefore, it would be inappropriate to use the NCERM mapping to justify the Sidmouth CCMA along Cliff Road where a more detailed BMP exists and an Outline Business Case for a BMS has been produced

4(a). If yes, and you wish to support this part of the Adapting to Climate Change chapter's compliance with the duty to co-operate, please use this box to set out your comments.: NA

4(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter fails to comply with the duty to co-operate. Please be as precise as possible.: The LPA did not co-operate with the portfolio holder for the Sidmouth and East Beach Management Scheme who is also chairman of its Advisory Group.

6. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary.: To clarify anything that is not clear in this response and to respond to any rebuttals the LPA may make prior to or at the examination.

Full name: Devon Wildlife Trust (planning)

Organisation (where relevant): Devon Wildlife Trust

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: This policy should be reworded to include reference to the requirement for enhancement of our natural environment.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: This policy should be reworded to include reference to the requirement for enhancement of our natural environment.

Full name: Harriet Fuller

Organisation (where relevant): Environment Agency

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR03

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Para 7.8 states that this data will be considered before finalising the plan for submission. With reference to section 5 of the Topic Paper – CCF-005 Adaptation and Resilience to Climate Change: Coastal Change, we are pleased to see an acknowledgement that there is a difference in evidence bases between NCERM2 and the Coastal Marine Applied Research/Plymouth Uni Methodology report (CCF-006) in some areas. We have considered this in detail and our view is that to designate the CCMA without the NCERM evidence would leave the CCMA more open to challenge. As such, our advice would be to follow the option as set out in your paragraph 5.4 of topic paper CCF-005 and would take a precautionary approach, ensuring that the CCMA follows the most landward extent of either of the evidence bases, which would be robust.

AR04

Full name: Harriet Fuller

Organisation (where relevant): Environment Agency

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR04

3(a). If yes, and you wish to support the soundness of this part of the Adapting to Climate Change chapter, please use this box to set out your comments.: We strongly support this policy. We would reiterate that ideally, the plan would allocate land for the provision of development which has been relocated inland. However, we note that the policy justification seeks to provide flexibility in the way it has been written.

AR05

Full name: Dee Woods

Organisation (where relevant): Otter Valley Association

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR05

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: AR05 needs a clear statement to avoid development on areas likely to be required for the rollback from vulnerable coastal areas and enabling natural processes for biodiversity and flood management.

Full name: Devon Wildlife Trust (planning)

Organisation (where relevant): Devon Wildlife Trust

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR05

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: This policy should be reworded to include reference to the requirement for enhancement of our natural environment.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: This policy should be reworded to include reference to the requirement for enhancement of our natural environment.

Full name: Sam Scriven

Organisation (where relevant): Jurassic Coast World Heritage Site (hosted by Dorset Council)

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR05

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: Yes

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Incomplete information regarding procedures relating to the protection and management of the WHS when assessing impacts from development.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: In light of the existing reference to the WHS in the description of this policy, it may be prudent to add a line of text stating the following - 'In certain circumstances it will be necessary to notify UNESCO regarding development proposals that may affect the WHS, as set out in paragraph 172 of the Operational Guidelines for the Implementation of the World Heritage Convention.' - This is an important point when it comes to the assessment of impacts to the WHS from development and is intended to allow UNESCO and its advisors to monitor potential threats to WHSs and, where necessary, make recommendations to the state party to the WH Convention, which, in our case, is the UK government.

Full name: Sam Scriven

Organisation (where relevant): Jurassic Coast World Heritage Site (hosted by Dorset Council)

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR05

2. Do you consider that this part of the Adapting to Climate Change chapter is legally compliant?: Yes

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: Incomplete in reference to national policy and guidance relating to World Heritage Sites

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: In light of where the policy description already refers to the WHS, I recommend adding a line in an appropriate place stating that 'In certain circumstances it will be necessary to notify UNESCO regarding development proposals that may affect the WHS, as set out in paragraph 172 of the Operational Guidelines for the Implementation of the World Heritage Convention'. This will also be important in terms of consistency across local plans that cover the extent of the WHS.

4. Do you consider that this part of the Adapting to Climate Change chapter complies with the duty to cooperate?: Yes

5. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?: No, I do not wish to participate in hearing session(s)

Full name: Harriet Fuller

Organisation (where relevant): Environment Agency

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR05

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: We find the first paragraph of the policy to be unclear. We would suggest the following wording: “Where compatible with the most up-to-date coastal policy (as expressed in the SMP or a strategy such as a beach management plan), the council will support proposals for sustainable coastal change management such as improvements to coastal defences or managed realignment. Careful consideration of adverse economic, social or environmental impact, including visual impact on protected landscapes. This revised wording identifies that the council will undertake the planning balance as with any proposal. The current wording may suggest that any coastal defence/realignment scheme would be found unacceptable due to the likely significant visual impact.

Full name: Kim Miller

Organisation (where relevant): Historic England

Proposal:

7. Adapting to Climate Change

1. To which part of the Adapting to Climate Change chapter does your representation relate?: Policy

1(a). Please write down the paragraph, policy or figure number that your representation relates to.: AR05

3. Do you consider that this part of the Adapting to Climate Change chapter is sound?: No

3(b). If no, please give details of why you consider this part of the Adapting to Climate Change chapter is not sound. Please be as precise as possible.: It would be helpful if the supporting text drew attention to the complementary policy requirements contained in Policy PB10: Protection and enhancement of the Jurassic Coast World Heritage Site.

3(c). Please set out the modification(s) you consider necessary to make this part of the Adapting to Climate Change chapter sound, in respect of any matters you have identified above. You will need to say why each modification will make this part of the Adapting to Climate Change chapter sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.: Add supporting text highlighting that in cases that may affect the World Heritage Site, the specific requirements of Policy PB10 will also apply.