

## Mid Devon Local Plan Review: Examination

### Hearing Statement: Matter Policy J27, Issue 11

This statement should be read in conjunction with the representations<sup>1</sup> made by GL Hearn on behalf of Friends Life Ltd (c/o Aviva Investors Global Services Ltd) (herein FLL) and seeks to complement and expand on those representations as necessary to assist the Inspector in determining the extent to which the Local Plan meets the appropriate tests of legal compliance and soundness.

#### 11. DOES PROVISION NEED TO BE MADE FOR COMPENSATORY FLOOD PLAIN?

- 11.1. The Environment Agency's Flood Map for Planning (Rivers and Sea) indicates that the allocation site is located entirely within the low risk fluvial Flood Zone 1, defined as land having an annual probability flooding from rivers or the sea of less than 1 in 1,000 annual probability of flooding.
- 11.2. The Environment Agency's response to the MDLPR Proposed Submission Plan (Incorporating Proposed Modifications) dated 13 February 2017 advised the following in respect of Policy J27:

***"We would advise adding the following text 'Any loss of floodplain at this location should be mitigated by the creation of additional/ compensatory floodplain which should secure wider environmental and sustainability benefits'.***

- 11.3. However, correspondence between the Environment Agency and MDDC on 07 August 2017 (included at Appendix 11A) confirms that:

***"Given that the likely route of a footbridge would pass from Flood Zone 1 to Flood Zone 1, almost certainly avoiding works in any areas of Flood Zones 2 or 3, we consider it is unlikely that provision for compensatory flood plain will be needed."***

- 11.4. Taking account of the above and the location of the allocation site entirely within Flood Zone 1, FLL maintains that there is no requirement for the allocation policy (Policy J27) to make reference to the need for compensatory flood plain.

<sup>1</sup> Representations To Mid Devon District Council's Consultation on its Proposed Submission Local Plan (February 2015) on behalf of The Eden Westwood Partnership (April 2015); and Representations To The Mid Devon Local Plan Review Proposed Submission (Incorporating Proposed Modifications) January 2017 on Behalf Of Friends Life Limited (C/O Aviva Investors Global Services Limited) (February 2017)

**APPENDIX 11A: Letter from Natural England to MDDC dated 07 August 2017 (EA ref. DC/2014/114498/CS-02/EW1-L01)**

Ms Poie Li  
Mid Devon District Council  
Forward Planning & Conservation  
Phoenix House Phoenix Lane  
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EX16 6PP

**Our ref:** DC/2014/114498/CS-  
02/EW1-L01  
**Your ref:**  
**Date:** 07 August 2017

Dear Ms Li

**Mid Devon Local Plan  
Inspector's questions regarding Junction 27 modifications and Policy TIV16**

Thank you for your email of 10 July 2017 providing us with opportunity to comment on the Planning Inspector's questions (11 and 12) ahead of the preliminary hearings on 26 and 27 September 2017. Our view in respect of these questions is set out below.

**Question 11 (Junction 27) – Does provision need to be made for compensatory flood plain?**

Given that the likely route of a footbridge would pass from Flood Zone 1 to Flood Zone 1, almost certainly avoiding works in any areas of Flood Zones 2 or 3, we consider it is unlikely that provision for compensatory flood plain will be needed.

**Question 19 (Policy TIV16) – Is the approach to the compensatory flood plain adequate?**

Based upon an ever increasing understanding of the flooding issues in Tiverton, including on and around the TIV16 site, we are confident that adequate floodplain compensation works, in line with that proposed, can be delivered. These works have the potential to deliver numerous tangible environmental and sustainability benefits such as flood risk reduction and erosion control. As such we remain supportive of the allocation.

Yours sincerely

**MARCUS SALMON  
Sustainable Places Planning Specialist**

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