

Appendix 3 - Consultation response summary

| No | Name / Organisation | Comments received | Consideration |
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| 1 | Highways England | <p>Supports the objectives of the LDO. The LDO itself does not appear to set out who powers conferred by the Order are to be given to.</p> <p>The placement, maintenance and removal of apparatus in a highway and 'protected' highway is covered by the New Roads and Street Works Act (NRSWA) 1991 legislation and any requirements on works associated to such are either also covered by NRSWA 1991 or TMA 2004 Permit Schemes. Works requiring consent and/or a licence under the NRSWA, will be subject to design checks, conditions and a fee. Highways England would seek to exhaust all means to ensure that any apparatus is placed by a statutory undertaker or authority with powers for the placing of such apparatus as defined by NRSWA 1991. The placement of apparatus or other assets in the highway, or land owned by Highways England that is not highway, may require to the developer to enter into a legal agreement for provision of items such as design, audits, installation, maintenance, removal and reinstatement of the highway.</p> | <p>If the LDO is adopted planning permission would be given for certain works and is not in the form of a licence to a specific provider.</p> <p>The LDO would not override the need to comply with other legislation such as the NRSWA and the providers would still need the relevant permission of the landowner to carry out development.</p> <p>In the event of funding being required by the landowner to install development this would be a private matter to be resolved outside of the LDO.</p> |
| 2 | Exeter Airport | <p>Any development close to or within the aerodrome boundary or facilities has the potential to conflict with aerodrome safeguarding criteria which in turn could compromise aviation safety. Aerodrome Safeguarding is a process of checking proposed developments so as to:</p> <ol style="list-style-type: none"> 1 Protect blocks of air through which aircraft fly, by preventing penetration of surfaces created to identify their lower limits. 2 Protect the integrity of radar and other electronic aids to air navigation, by preventing reflections and diffraction of the radio signals involved. 3 Protect visual aids, such as Approach and Runway lighting, by preventing them from being obscured, or preventing the installation of other lights which could be confused for them. In brief lighting for the site should be designed in such a way that it is not confusing or dazzling to pilots or air traffic control. 4 Avoid any increase in the risk to aircraft of a birdstrike by preventing an increase in hazardous bird species in the vicinity of the aerodrome and, whenever the opportunity arises, to reduce the level of risk. <p>Initial response - recommended condition to ensure that Aerodrome Safeguarding criteria is met, and aviation safety is always maintained. Exeter Airport will have no safeguarding objections to this Local Development Order provided the condition is applied and adhered to.</p> <p><i>"No development within or in close proximity to the Aerodrome boundary or in close proximity to any off-Aerodrome facilities shall take place until an aerodrome safeguarding assessment has been submitted to and approved in writing by, the Local Planning Authority in consultation with Exeter Airport Safeguarding Department."</i></p> <p>Following negotiations and proposed amendment to LDO to reduce height of structures to 1m AGL; The revised LDO satisfies our safeguarding concerns and is acceptable. Thank you for addressing this and understanding our safety issues.</p> | <p>The aerodrome safeguarding concerns raised by the airport need to be addressed. Following discussions with Exeter Airport it is evident that any structures over 1 metre high from ground level may result in safeguarding issues identified in the four criteria listed in the process of checking proposed developments. Exeter Airport have confirmed that structures under 1 metre in height from ground level do not raise aerodrome safeguarding concerns.</p> <p>Following consultation with the Airport, they would have no safeguarding concerns if the LDO was revised by reducing the maximum height of above ground development from 1.5 metres to 1 metre.</p> |

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| 3 | Natural England | <p>Seeks clarification on how the LDO accords with policies within the adopted East Devon Local Plan for protection and enhancement of the environment;</p> <ul style="list-style-type: none"> - Strategy 5 (Environment) - Strategy 47 (Nature conservation and Geology). <p>Proposals in the LDO should be screened for any likely significant effects on habitats sites (those of international importance) as part of a Habitats Regulations Assessment process.</p> | <p>The LDO accords with Strategy 5 in that it makes a positive contribution towards the delivery of sustainable development by enabling the provision of low carbon energy and facilitate future use of renewable energy on a large scale. The conditions set out on the LDO ensure the natural historic and built environment is protected. For example; restricting development under the LDO from being built close to historic buildings and waterways. The proposals accord with strategy 47 in ensuring that the landscape is fully restored following installation of any pipework and that a prior approval process needs to be undertaken for works affecting any trees or hedges.</p> <p>The development has been screened in accordance with the Habitats Regulations and is not likely to result in a significant effect upon European protected sites. An appropriate Assessment is therefore not required.</p> |
| 4 | Environment Agency | <p>No objection</p> <p>Section 3 of the draft order makes clear reference to works not being permitted within 8m of a Main River watercourse and on land identified on the Flood Map as Flood Zones 3 or 2 - satisfied that flood risk interests are sufficiently accounted for.</p> | |
| 5 | Cranbrook Town Council | <p>Support provisions made in the LDO Order and noted that it contained sufficient restrictions placed on utility companies to seek additional consents if necessary, e.g. listed building consent.</p> | |
| 6 | Historic England | <p>Note the draft LDO excludes development on or within the curtilage of a listed building, on sites or buildings designated as scheduled monuments, and within 50m of the curtilage of a listed building or the protected boundary of a scheduled monument.</p> <p>No comment</p> | |
| 7 | South West Water | No comment. | |
| 8 | Sport England | <p>The proposed development does not fall within either statutory remit (Statutory Instrument 2015/595), or non-statutory remit</p> | |
| 9 | Mid Devon District Council | No Comment | |
| 10 | The Woodland Trust | <p>Ancient and veteran trees should be protected in line with Natural England's Standing Advice. Any works affecting boundary of Percy Wakley Wood should be undertaken in adherence to BS 5837:2012. Recommends condition;</p> <p><i>"A buffer zone around an ancient or veteran tree should be at least 15 times larger than the diameter of the tree. The buffer zone should be 5m from the edge of the tree's canopy if that area is larger than 15 times the tree's diameter."</i></p> | <p>Condition (b) states There shall be no lopping, topping, root reduction or removal of trees or hedgerows to accommodate the installation unless previously agreed in writing by the LPA; this is considered sufficient to protect trees including those that are designated ancient or veteran.</p> |
| 11 | DCC Historic Environment Team | <p>Areas of archaeological significance are sited within the LDO boundary, including a prehistoric and Romano-British settlement, prehistoric funerary activity, a WWII aerodrome, a Roman road and the Pinn Brook enclosure. While much of the area that has already been developed within the proposed Local Development Order has been subject to archaeological mitigation in advance of development, there are still areas that contain regionally important archaeological remains.</p> | <p>The importance of the area in respect to its archaeological value is acknowledged. Whilst the area of the Pinn Brook enclosure is of high significance in archaeological terms it is also an area which is of importance to the development of the district heat network. A suitable condition can ensure appropriate investigation and mitigation is agreed prior to development</p> |

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| | | <p>Recommend the undeveloped part of the Pinn Brook enclosure and the area to the west up to the M5 is <u>excluded</u> from the proposed LDO. If the exclusion of this area is not possible then any works should be informed by a programme of archaeological work undertaken in advance of any ground disturbance.</p> <p>Other areas of archaeological sensitivity (shaded in yellow on map) have been identified which will require archaeological mitigation for ground disturbance. Any works adjacent to or within the B3174 have the potential to expose archaeological deposits associated with the Roman road. The historic WWII aerodrome contains military structures and associated features, as well as previously unrecorded prehistoric or later archaeological deposits, and may require mitigation.</p> <p>Recommend condition: "No works for District Heating System will be undertaken within the areas of archaeological sensitivity, as identified in Appendix X, without consulting with the Devon County Historic Environment Team, as archaeological advisors to the Local Planning Authority, to agree the scope and implementation of any archaeological mitigation that may be required by the proposed works. The programme of archaeological work will be undertaken in accordance with a written scheme of investigation (WSI) which will need to be submitted to and approved in writing by the Local Planning Authority prior to works commencing."</p> | <p>commencing within the Pinn Brook area and the other areas of archaeological sensitivity as identified on the map. The revised draft LDO includes an appropriate condition.</p> |
| 12 | Rep 1 Mr H Gent (Parish Councillor) | <p>Objects and urges refusal; Low carbon aims can only be achieved if further carbon reduction strategies are deployed. Reference report by Tony Norton of Exeter University – as renewable energy is increased the benefits of producing energy from CHP falls correspondingly. CO2 intensity of the grid has fallen. Carbon emissions from the gas combustion must be accounted for in generating the heat and the heat is therefore high carbon compared to other options. Expanding the network is against Strategies 3, 11, 12, 13, 14 & 39 of the Local Plan; CHP is not low carbon energy, not minimising fossil fuel use, not reducing carbon dioxide emissions, not renewable energy. Network should not be expanded based on gas CHP, there should be a commitment from the developer to further decarbonisation and emissions reduction.</p> | <p>District Heating Networks benefit from economies of scale with one central boiler operating far more efficiently than individual boilers. For example, there is less wasted heat from flue drafts and around flames. Annual Report 2016 Centre for Energy and the Environment</p> <p>The Centre for Energy and the Environment Annual Report 2016 does affirm that the calculated emissions savings from gas CHP driven networks are reduced as the dependence on coal fired power stations are reduced as the CO2 savings on the electricity grid are improved. This however does not mean that the CHP no longer provides and low carbon benefits, just that the benefits are reduced. In Tony Norton's report the following year (The Centre for Energy and the Environment Annual Report 2017) CHP is still referred to as a low carbon energy system. The aspiration of the Council is for the energy centres to be supplied by renewable energy in the future. This LDO will facilitate the provision of infrastructure to enable development within the LDO boundary to integrate the DHN into development as it is constructed.</p> <p>It is far more practical, cost saving and energy saving to install the DHN during the construction phase of development rather than trying to retrofit a system. As the network is enhanced and enlarged it enables greater economies of scale and therefore greater low carbon benefits. Once the energy source to the DNC can be decarbonised the network will offer immediate zero carbon heating to all the properties that are connected to it.</p> |
| 13 | Rep 2 Dr S Vaughan | <p>Objects and urges refusal; completely concur with the objections presented by Henry Gent. The heat network will not assist; the delivery of carbon neutrality; the change to a low carbon economy; or</p> | <p>As stated above the DHN is considered to a form of low carbon energy and enable renewable energy (once connector to the</p> |

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| | | support the Council's desire to become zero carbon. The developer should re submit with a commitment to further decarbonisation and emissions reductions. | energy centre) to be supplied to all development connected into the network. |
| 14 | Rep 3 Dr P Vaughan | Objects; Eon are in breach of their planning commitment to provide a low carbon heat source. No further work should be carried out on the installation of the heating network unless eon can guarantee to supply low carbon heat. Instead houses should be allowed to install their own low carbon heat sources. To continue to support Eon unless a guarantee can be given to provide a low carbon heat source is a contradiction to EDDC's commitment to achieving net zero greenhouse gas emissions in East Devon. | The LDO does not remove the conditions and requirements set by the planning consent which the Energy Centre was built under and therefor does not remove the commitment of the supplier to provide a low carbon heat source. The LDO is not for a particular supplier (i.e. Eon) but removes the need for planning permission for installation of the specified works, regardless of whom the provider is. If the DHN is prevented from being rolled out there would be adverse impact upon the ability of EDDC to achieve net zero greenhouse gas emissions in East Devon. |
| 15 | Rep 4 Ms Whitten | Objects; no more fossil fuel infrastructure must be allowed to be built in the UK. This plan will contribute to carbon emissions, and is contrary to the climate emergency declaration made by DCC, EDDC, and many local councils. Development will contribute to climate change. | The development is considered to contribute to addressing climate change as it represent a low carbon form of heating and will enable greater carbon savings in the future. |
| 16 | Rep 5 Cllr Olly Davey | Broadly in support; it simplifies the planning process for the installation of a complex network. Development will only make a contribution to EDDCs ambition to lower carbon use if using low carbon forms of energy generation; recommends condition, so that this order will only apply to low carbon or carbon neutral forms of heat generation, and not to further gas installations. | The LDO is not granting consent for the energy centre to operate and cannot implement controls over the supply of energy to the energy centre which heats the network. The LDO will only enable infrastructure to be laid (without the need of planning permission) which connects into the DHN from the energy centres. |
| 17 | Rep 6 Cllr Tony Woodward | Whilst it is sensible to have a permission covering lots of ancillary works under one permission (i.e. installation and transmission of distribution networks, furniture etc.) there should be a condition imposed by EDDC that any expansion of the network is based on low carbon heat only. There must be a resubmission based on a commitment to further decarbonisation and emission reductions. | As stated above the LDO only enables infrastructure to be laid connecting to the energy centre and does not cover the running of the energy centre and its energy supply. |
| 18 | Rep 7 Mr P Tuckley | Objects; must not use fossil fuels in our environmental crisis. | Please see above. |
| 19 | Rep 8 Ms A Bentham | <p>Objects; local council have said they accept the need to decarbonise as fast as possible. Development is not in accordance with the provisions and objectives of the Climate Change Act 2008 as required by the NPPF. Addressing climate change is one of the core land use planning principles which the NPPF expects to underpin decision taking, and responding to climate change is central to sustainable development. The use of gas without carbon capture and sequestration, is not compatible with a zero carbon future and must be eliminated and is intrinsically unsustainable. It allows a District Heat Network powered by gas to be expanded easily, and in a monopoly situation, to new development in the area. The LDO is a planning consent for the continued use of gas fueled power and will endorse and encourage its use. The effects of the LDO will be to lock new houses into a heat network that is producing carbon dioxide emissions from gas. How is this contributing to sustainability and tackling climate change? The draft LDO is not in accordance with Strategy 3 of the Local Plan; powering heat using gas is not minimising use of fossil fuel, when there are alternative low carbon/renewables that can be used to power the DHN now.</p> <p>Disagree with Justification Statement points 4.2 & 4.3 - the LDO does not clarify the pathway to these objectives. The LDO does not will not assist the delivery of a key aim of EDDC to achieve carbon neutrality and reduce carbon emissions or support the Council's desire to become zero carbon. Questions raised at the Development Management Committee meeting (3/04/20) regarding the DHN's transfer to low carbon/ renewables need to be answered in respect to the LDO and its effect on climate</p> | The LDO is not contrary to the Council's desire to become zero carbon. The LDO will facilitate the roll out of a local heat network which is supplied though the energy centres. A decentralised heating system such as the local heat network is the only way there can be local influence on the supply of heating to the area. By having a local heat network there is the ability to heat the network through various ways. The options for alternative methods of heating supply for the energy centre are being explored by the Council however the supply of energy to the energy centre does not form part of the LDO. The LDO is considered to accord with Strategy 3 in that the network provides low carbon heat with efficiencies in scale and provides the ability of renewable heating to the area in the future. |

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| | | change need to be considered. What is the time frame for the DHN to stop being powered from fossil fuels? Recommend condition for infrastructure expansion to only occur if the heat network is low carbon and powered by renewable energy. Need greater clarity and forward thinking on infrastructure decisions that set us on to a properly sustainable future path in response to the climate emergency. | |
| 20 | Rep 9 Mr F Stiff | Objects; heat network should not be expanded unless it is based on renewable energy sources. EDDC heating schemes should be based on very low carbon energy. | The supply of energy to the energy centre does not form part of the LDO |
| 21 | Rep 10 Mr D Buller | Objects; natural gas will be used to generate the heat. The network cannot be considered as facilitating transition to a low-carbon economy. The use of natural gas (fossil gas) is well-established to be contributing to the rapidly increasing levels of carbon dioxide in our atmosphere which are driving global warming. Only by supplying additional heat generation through renewable energy means can an expanded CH&PN be said to be truly in lockstep with the stated key aim of the East Devon Council Plan 2020-2040 to achieve carbon neutrality by 2040. | As stated above the heat network is considered low carbon despite the supply to the energy centre currently being gas. |
| 22 | Rep 11 Cllr Eleanor Rylance | Perturbed to note that despite climate emergency, we are still planning for the use of fossil fuels in new build developments. Hopefully by the end of the life of this district heating burner, plans will be completed on how to remove the need for fossil fuels in domestic heating and hot water for all housing developments and this one in particular. In 2020, it is not in my view appropriate to be signing new houses up to heating with gas for the next 30+ years. The only good thing about this plan is that it is district heating, therefore much easier to plan to replace the plant with a more environmentally-respectful fuelled version, thus changing the heating fuel for the entire development in one go- much easier than replacing individual boilers in privately-owned homes. I would expect the operators to be examining and planning the end of life solutions for this boiler from now. | The LDO does not determine which fuel is used to supply the network or tie any development into connecting to the network. The network operates as a sealed system connecting to the energy centres, therefore system could be heated by alternative means if there is an alternative supply to the energy centres. |