Planning Committee Report 24/1536/OUT

1.0 Application information

Number:	24/1536/OUT
Applicant Name:	Exeter Energy Ltd
Proposal:	Outline application for the construction of Energy Centre for the Exeter Energy Network (seeking approval of layout, access, and scale).
Site Address:	Land Adjacent Marsh Barton Train Station, Clapperbrook Lane East, Exeter, EX2 8QE
Registration Date:	23 December 2024
Link to Documentation:	https://exeter.gov.uk/planning-services/permissions-and-applications/related-documents/?appref=24/1536/OUT
Case Officer:	Howard Smith
Ward Member(s):	Cllr Yvonne Atkinson, Cllr Bob Foale, Cllr Rob Harding.

REASON APPLICATION IS GOING TO COMMITTEE: The Head of City Development considers the application to be a significant, controversial, and/or sensitive application that should be determined by the Planning Committee in accordance with the Exeter City Council Constitution.

2.0 Summary of recommendation

DELEGATE to officers to GRANT permission subject to completion of a S106 Agreement relating to the matters identified and subject to conditions as set out in report, but with secondary recommendation to REFUSE permission in the event the S106 Agreement is not completed within the requisite timeframe.

3.0 Reason for the recommendation

The National Planning Policy Framework (NPPF) guides development is only acceptable in areas of flood risk if the Sequential Test and also the Exception Test are passed. The applicant has submitted a sequential site search that has not identified any alternative sites with lower flood risk that could accommodate the development proposed. The Flood Risk Assessment has demonstrated that the development can be delivered without increasing flood risk elsewhere and the public benefits of the proposed development, in providing economic benefits, enhancements to the wider open spaces, additional biodiversity net gain and in decarbonisation of heating in the interest of tackling climate change, are considered to outweigh the residual flood risk and all other harms.

4.0 Table of key planning issues

Issue	Conclusion
Principle of development open space	The principle of development is dependent on there being no sequentially preferable site, in flood risk terms, being available. If so then the harms of the scheme need to have been minimised and the benefits of the scheme need to outweigh the harms through flood risk, impact on the valley park, loss of recreation space and all other harms. The benefits are considered to be the facilitation of a heat supply to a proposed District Heating network to connect existing buildings and new development to sources of low carbon heat, provide a route to zero carbon heat secured through a Carbon Descent Plan, enhancement of retained open space for recreation and biodiversity, Biodiversity Net Gain above the statutory requirement managed for a period of 30 years, and provision of education and economic benefits which would be secured by planning conditions and legal agreement. The proposals are not considered to result in the loss of current sports provision. There are tensions between Development Plan policies which seek to protect the open space and landscape setting of the city and those which promote some development in the area of this site. The Liveable Water Lane SPD and Design Code is a recently adopted Supplementary Planning Document which supports adopted Development Plan policy, takes into account recent developments and changes in land use in the area of the site and has been prepared alongside the emerging Exeter Plan. Liveable Water Lane Design Code SPD identifies the site as part of an areas for open space uses but also green energy opportunities and sets out that development should help meet Exeter's Net Zero Carbon ambitions. The proposals for an Energy Centre to support a District Heating Network serving the city and enhancing open spaces for recreation and biodiversity is considered to accord with the principles of the SPD.

Issue	Conclusion
Scale, design, impact on character and appearance	The proposed development has been reduced and amended in the interest of minimising impacts on openness, landscape and the visual prominence of industrial equipment. Impact on longer range views is limited, with the site screened by mature tree belts and the Energy from Waste plant. Impact on local views and openness of this part Valley Park are more affected. The scale and massing of buildings is applied for at this stage. Whilst the buildings are industrial in nature, visual impact has been reduced as far as possible. The character of the greenfield site is also influenced by the much larger Energy from Waste plant on the west side of the railway. Appearance and Landscaping are reserved matters to be considered in detail at Reserved Matters Application Stage. Given the operational requirements and flood and access constraints the development has been reduced and layout amended to reduce the adverse impact of the development on landscape and openness as far as possible. These impacts must be weighed against the benefits in determining the application.
Access	Access is proposed to be via Water Lane during construction phase, and via Clapperbrook Lane East in operational phase. The development incorporates a visitor facility for education purposes. In additional to operational parking for small vehicles, disabled parking for visitors is provided. Four parking spaces in total are shown.
Impact on health or amenity through, noise, air quality or contamination	The site is not identified as potentially contaminated and has no record of contaminative uses. The application is remote from existing dwellings; the closest noise sensitive receptors in this case are the open spaces of the Riverside Valley Park. The operation of the facility will be audible in its immediate surroundings including the valley park; however, these

Issue	Conclusion
	spaces are impacted by some industrial noise already. Noise is a minor adverse harm but, subject to noise restricting conditions, is not considered to constitute a noise nuisance. Additional information provided has enabled Environmental Health to conclude there is no objection on ground of local impact on air quality. The proposals will enable improvements in air quality impacts in other parts of the city through reduced combustion at sites supplied by heat from this development.
Impact on natural environment	The development set out in the application has been screened and in the opinion of the Local Planning Authority the development proposed is not EIA development. Whilst the site is within the 10km recreation buffer zone of the Exe Estuary Special Protection Area, the proposed development is not expected to result in increased recreational pressure upon the site or adverse impacts from noise or visual disturbance of over-wintering/migrating birds during construction. The development is considered unlikely to have a significant effect on a protected habitat or the achievement of its conservation objectives. Therefore, Appropriate Assessment is considered unnecessary. The site is an identified Site of Local Nature Conservation interest, and a range of species (including protected species) have been recorded on the site. The applicant has adopted a worst-case precautionary approach regarding reptiles on site. The survey results for Bats, in aggregate with the desk study data, shows that bats use the site for foraging and commuting, including some light-averse and very rare species. All recommended enhancement and mitigation measures in the EcIA, along with more detailed mitigation for mammals during construction, and a full lighting strategy, should be secured by way of condition. The construction access for proposed development requires the removal of three trees on Clapperbrook Lane East. The trees on site are not protected trees.

Issue	Conclusion
	Whilst the loss of existing trees is regrettable, the opportunity for replacement compensatory and additional tree planting is considered to mitigate this loss. An indicative landscape design is provided with the application. The ecological benefit through uplift in BNG above the statutory requirement delivered on site and further enhancement of the wider field should be given weight in decision making. Carbon savings of 13,000 tonnes annually are estimated by the applicant from the development proposed, by supplying heat to networked sites. Importantly, by connecting these sites future further decarbonisation of heating is achieved through the network rather than the connected sites adopting individual building or on-site measures. The energy centre, via the heat network, provides a route to future zero carbon heating for the connected sites.
Impact on heritage assets	The construction works associated with the proposed development have the capacity to affect the potential buried archaeological resource identified in the desktop study. Further archaeological investigation can be secured by condition. The development is not considered to affect the setting of any statutory listed buildings or designated Conservation Areas. The setting of Ship Canal structures at Clapperbrook Lane East, which are locally listed, are not considered to be impacted to such as degree as to cause substantial harm. As such the proposals are not considered to conflict with the aims of Policy C5.

Issue	Conclusion
Economic and Community benefit	The applicant has advised creation of 150 jobs in construction, including creation of apprenticeships with Exeter College. Local benefits can be secured with an employment and skills plan secured as part of any consent. The proposal would improve resilience of local energy supply. The development of renewable energy infrastructure is supported by local planning policies EN6 and CP16 and national planning policy set out in the NPPF. Education and outreach opportunities will be provided on site through provision of visitor and education space as part of the development. Community access to an enhanced landscaped open space would also be secured on the wider site.
Drainage and Flood Risk	DCC as Lead Local Flood Authority has objected to the details of the proposed drainage design. DCC approval of a scheme of drainage can be secured prior to commencement of development by condition. The development is essential infrastructure, and the buildings, with the exception of the thermal stores, are designed to be able to operate during flood events and to convey flood water underneath by being raised 2m above existing ground level. The application site is at risk of flooding and is predominantly within and surrounded by Flood Risk Zone 3. The application is accompanied by a Flood Risk Assessment and a Sequential Site Search that has not identified any alternative sites with lower flood risk. The NPPF guides that essential infrastructure is only acceptable in areas of flood risk if the Exception Test is also passed. The exception test has two parts: a) wider sustainability benefits to the community need to outweigh the flood risk, and b) the development is safe for its lifetime taking account the vulnerability of its users without increasing the risk of flooding elsewhere.

Issue	Conclusion
	The EA has confirmed that it does not object on flood risk grounds (subject to the planning sequential and exception tests being passed) as the proposals would not increase flood risk elsewhere. It is considered that the second part of the exception test has been demonstrated to be satisfied. The first part of the exception test will be addressed below in the planning balance.
Planning Balance	The site search has demonstrated that the proposed development cannot currently be located on a site outside the valley park or flood risk zone 3. The design has been amended to reduce the footprint of the development as far as practicable. As such the residual harm to the openness of the valley park and the landscape setting of the city is considered to have been reduced as far as possible. The first part of the exception test requires that the development would provide wider sustainability benefits to the community that outweigh the flood risk; it is a matter of planning judgement whether the wider sustainability benefits outweigh the flood risk. The principal sustainability benefits include increased biodiversity of the wider site, improvements to air quality in the city, economic and employment benefits that would be delivered and the carbon savings achieved. None of the adverse impacts, individually or cumulatively, are considered to significantly and demonstrably outweigh the public benefits of the development when assessed against the policies in the NPPF or the Local Development Plan when taken as a whole. The proposal is therefore considered to constitute sustainable development overall and permission should be granted subject to conditions.

5.0 Description of site and surroundings

The site red line comprises 3.6 hectares and makes up just under two thirds of the open level ground between the new Marsh Barton Rail Station and the Exeter Ship Canal at Grace Road Field on Clapperbrook Lane East. The site is bounded to the north and east by an established belt of mature trees and opens onto the remaining part of the field to the south, which itself is enclosed by mature trees along its southern edge. Including the surrounding tree belts, Grace Road Field extends to approximately 6 hectares. The open space as a whole (c.4.7ha) is currently used for informal recreation. The northernmost part of the site was used as a temporary construction compound in relation to the Marsh Barton Station development. The site was previously used for playing pitches which ceased around 12 years ago.

Construction access from the highway is proposed from Water Lane with operational phase access from Clapperbrook Lane East.

To the east, immediately beyond the tree belt, is the Exeter Ship canal, and beyond that the Riverside Valley Park. To the south, beyond the remaining open space and trees to the south the areas is contained by the Alphinbrook flood relief channel. To the north the Clapperbrook Lane East rail bridge embankment encloses the site and provides access to the site, rail station and the green waste processing site. To the west the site adjoins Marsh Barton Station and the main rail line, with the Energy from Waste plant immediately on the other side of the rail line.

Trees on the north and west boundaries of the site are 15 metres tall and trees on the eastern (canal) boundary are up to 29 metres tall.

6.0 Description of development

This is an outline planning application for the construction of an Energy Centre for the Exeter Energy Network, seeking approval for the principle of development and approval of details of layout, access, and scale. Landscape and external appearance details are Reserved Matters.

The application has been amended since first submitted to exclude the Data Centre and associated plant and ancillary works from the application.

The scheme has also been amended to reduce the extent of development footprint and amount of built development to that which is essential. The boilers, heat pumps, electrical substations, electrical switch gear, visitor facilities and operational accommodation have been incorporated and enclosed in a single building, with the evaporators associated with the air source heat arranged on the roof. This building, which measures 118.8m by 21.3m, is raised two metres to reduce flood risk to the operation and not reduce flood water storage. The main range of the building has a roof height of 11.5 metres above ground level, with a 1.2 metre parapet. The meeting and exhibition space, intended for educational visits, forms a partial third floor and

reaches a roof height of 16.6 metres. Evaporators, occupying approximately half of the overall roof area and arranged along the building, are elevated above roof level to facilitate air flow, with the top of their acoustic enclosure at 19.1 metres. Five flues project above this to a height of 22.1 metres, while the thermal stores rise to 13 metres.

The two structures relating to gas supply, and 33kV electrical substation are separate structures for legislative and safety reasons, but have been positioned, as far as possible, to reduce the overall footprint of buildings and the extent of the enclosing fenced compound.

Space for the plant associated with future water source heat extraction, and a hardstanding for temporary back-up generators, is allowed for within the development area, which is enclosed by a fence.

The buildings are sited towards the eastern (canal) side of the site for flood risk and flood water movement reasons. The circular thermal stores are unable to be raised above ground level, but this has been assessed in flood modelling. The six smaller thermal stores are essential to the operation and larger store will significantly improve efficiency and reduce carbon emissions by supporting greater use of lower temperature heat sources and better accommodate the differences between heat availability and demand.

Reducing the extent of development has increased the area of landscaped open space for public access within the development site.

7.0 Supporting information provided by applicant

Submitted 23 December 2024, with revisions and amendments submitted 15 May 2025.

- Plans, elevations and renders
- Landscape and Visual Appraisal
- Air Quality Assessment
- Contaminated Land Desk Based Assessment
- Lighting Assessment
- Design and Access Statement
- Flood Risk Assessment
- Hydraulic Modelling Report
- Archaeology
- Statement of Community Involvement
- Transport Statement
- Noise Impact Assessment
- Arboricultural Impact Assessment
- Sustainability Statement
- Ecological Impact Assessment

- Statutory Biodiversity Net Gain Metric Calculation
- Biodiversity Net Gain Statement and Assessment
- GI and Waste Statement
- Planning Statement
- Concept Designs for wider Grace Road Field

8.0 Relevant planning history

Reference	Proposal	Decision	Decision Date
24/0119/SO	Request for a Screening Opinion to ascertain whether or not an Environmental Statement (ES) is required for an Energy Heat Network (EHN) facility on open land at Clapperbrook Lane.	Not EIA development	01.03.2024

9.0 List of constraints

Landscape Setting
Site of Nature Conservation Importance
Valley Park
Flood Zone 3
Aerodrome Safeguarding
Area of Special Advertisement control

10.0 Consultations

All consultee responses can be viewed in full on the Council's website.

External Consultees

Health and Safety Executive (HSE) does not advise, on safety grounds, against the granting of planning permission in this case.

Environment Agency – Sufficient information has now been provided to enable us to remove our previous objection, provided that conditions are included within any permission granted in respect of: Finished floor levels (FFLs), detailed design of voids and fencing, detailed design of landscaping for flood flow conveyance, emergency/continuity planning, and contaminated land. Before determining the application, your Authority will also need to be content that the flood risk Sequential Test has been satisfied in accordance with the NPPF if you have not done so already. As you will be aware, failure of the Sequential Test or either part of the Exception Test is sufficient justification to refuse a planning application.

National Grid Electricity Distribution (NGED) has reviewed the application and has no comments to make on the proposed development. However, high voltage electricity distribution apparatus is located within the vicinity of the site, both overhead & underground. Any construction works in proximity to this apparatus must be in accordance with the relevant HSE guidance.

Wales & West Utilities (WWU) – we enclose an extract from our mains records of the area; you will note the presence of our intermediate / high pressure gas main(s) in proximity to your site. No excavations are to take place above or within 10m of the confirmed position of these mains without prior consultation with Wales & West utilities. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used.

Police Designing Out Crime Officer – No objection; design recommendations made.

Network Rail has no objections in principle to the proposals; however, any works on this land will need to be undertaken following engagement with NR asset protection due to the proximity to NR owned land. The applicant should be aware of the weight restrictions (3 Tonnes) of the nearby railway bridge especially for transport of heavy materials as part of the construction process. The NR standards should be considered by the developer and included on the decision notice as informatives.

Sport England raise a non-statutory objection to the application because it is not considered to accord with any of the exceptions to our Playing Fields Policy or paragraph 104 of the NPPF. Sport England would however be willing to reconsider its position should an appropriate form of mitigation be offered to compensate for the loss of playing field here, either with a view to bringing this site back into use, or investing in nearby sites.

Internal and including DCC

DCC Lead Local Flood Authority – The site generally follows a consistent elevation of approximately 4.0mAOD to 6.0mAOD. Levels along the adjacent Clapperbrook Lane are at approximately 5.00m AOD to 5.6m AOD. Groundwater has been encountered in nearby excavation in the superficial layers. The industrial nature of the site poses several potential contamination risks including transformer oil leaks and refrigerant leaks. Although separate dedicated systems will be in place to mitigate contamination in such event, the drainage network will have anti-pollution measures in place should those systems fail. There is a drainage ditch running parallel to the eastern boundary of the site. The site is located within Flood Zone 3 and at a low risk of surface water flooding. It is currently proposed to attenuate the surface water runoff via a series of SuDS features, including swales and attenuation basins before discharging into the existing drainage ditch parallel to the Exeter Canal. Oil separators will be used to trap runoff from hardstanding areas before discharging to the swales. The applicant has confirmed that the rate is 0.9l/s lower than the greenfield runoff rate. Our objection is

withdrawn, and we have no in-principle objections to the above planning application at this stage, assuming that a recommended pre-commencement planning condition is imposed on any approved permission.

DCC Highways – The developer has been able to demonstrate that in the worst-case scenario, when constructed, the site would generate 22 vehicle movements per day. For planning applications, the Highway Authority must consider the peak hour movements and in this worst-case these are going to be very low. The usual movements are likely to be materially less than this (likely to be a transit style panel van 3 times a week and a panel sided lorry once a month) and as such in terms of trip generation, the Highway Authority raises no objection to this aspect of the planning application. When taking the total number of vehicle movements that the site would generate and the level of Non-Motorised User (NMU) movements here it is the opinion of the Highway Authority that this is unlikely to cause a severe highway safety impact as defined within the National Planning Policy Framework (NPPF).

Vehicles will access the site from Clapperbrook Lane East; access that extends the red line to Water Lane is designed for larger vehicles (especially during construction). It is the opinion of the Highway Authority that the arrangements would not be a severe reason under the NPPF to recommend refusal of this planning application.

The developer must enter into a suitable legal agreement with the Highway Authority to undertake the access arrangement works.

The developer has identified the need for parking within the site and has provided parking broadly in line with the requirements that are set out within the Exeter City Council Sustainable Transport SPD.

While this planning application is an outline planning application and the red line has been provided, the end use of this proposal should be considered which does sit outside of the red line. Whilst there are no defined routes, details or final destinations for the heat network to take through Exeter City, it could assume that the heat network would provide sustainable heat across the city. The laying of any pipework associated with this development could have an impact on all types of traffic (vehicular and NMUs) throughout the city and cause delays for all users of the highway network. When considering the size of Exeter City and the potential spread across the city of end users for the heat network, there could be a requirement for a substantial amount of traffic works throughout the city and these works could involve traffic management and or road closures to complete the work. While all these works would not be undertaken at the same time, there may be cases where there are multiple works to take place within the city at the same time, this will still represent a sustained level of roadworks throughout the city for a considerable time. In order for any works to take place on the highway, under the New Roads and Street Works Act (NWRSA) a Section 50 Licence from the Highway Authority will be required which will take into consideration the requirements and level of works already taking place within the city before any licence is granted. If the developer of the pipework

becomes a statutory undertaker this will mean they move from S.50 licenced operations to permit applications with statutory rights to lay/maintain apparatus.

Whilst this aspect of the planning application does sit outside of the red line of the planning application, it will likely cause there to be disruption within the city of Exeter. There is no information regarding scale of the pipe networks nor what routes this would take and no way to assess the impact at this time. Whilst the Highway Authority has no objection to the planning application for the site itself, Local Members should be aware that there could be an impact on the highway network due to the installation of the pipe network.

Conditions are recommended to be attached to any consent to secure Construction Management, surface water disposal, access visibility splays, cycle parking provision, pipework routing.

DCC Waste Planning advise that the site is within the Waste Consultation Zone for the Exeter Energy from Waste Incinerator and therefore Policy W10 of the Devon Waste Plan applies. Policy W10 protects existing waste management facilities from constraint by non-waste development to ensure the continued availability of adequate capacity. It is considered that the construction of Energy Centre for the Exeter Energy Network is a compatible use within the Waste Consultation Zone.

It is noted that a waste audit statement has been submitted which notes that a further, detailed waste audit statement is required. Therefore, we recommend a condition is attached to any consent to require the submission of an updated Waste Audit Statement prior to the commencement of the development

ECC Environmental Health – This development has the potential to have a significant negative impact on the popular local amenity of the canal pathways and the Exe Estuary Trail as a result of noise from the proposed development. The applicant has submitted additional information which is now sufficient to determine that such impacts will be adequately controlled. Recommendation: Approval with condition requiring approval of plant details.

Subsequent to the air quality assessment, and the additional submission of RAMBOLL's memo dated 18 June and updated air quality assessment version 3 dated 19 June, we confirm to approve the application and additional submissions.

Environmental Health has considered the Phase I Contamination Land Desk Study Rev 3.0 of the above application, and recommends that the application can be approved with conditions to secure the recommendations of the study and the further investigation of the site prior to commencement, and any unexpected contamination during construction to remediated.

Dorset Council Ecology – The Ecological Impact Assessment (EcIA) as described in the report by GE Consulting (December 2024), was conducted in line with relevant

best practice. The EcIA is sufficient to identify the site's ecological receptors and those within the zone of influence. The adjacent Exeter Canal County Wildlife Site is considered unlikely to be impacted by the proposed development provided precautionary mitigation measures during the construction period and a lighting strategy for the construction and post construction periods is secured. The EcIA identifies a number of protected species and makes recommendations for mitigation and enhancement features.

All recommended enhancement and mitigation measures, along with more detailed mitigation for mammals during construction, and a full lighting strategy should be secured by way of condition and detailed within a CEMP and a Landscape and Ecological Management Plan (LEMP) covering the operational phase for any ecological interests not covered by the Habitat Management and Monitoring Plan (HMMP) which relates to Biodiversity Net Gain.

The submitted BNG is indicative at this outline stage, but the Metric calculation and BNG assessment demonstrates the proposals are capable of delivering an on-site net gain above the 10% mandated minimum. Currently, the proposed post development BNG includes medium distinctiveness habitat types. Additionally, the development relies upon the delivery of the entire 10% on-site. For these reasons, the BNG is considered as 'on-site significant' and as such will require managing and monitoring for a period of 30 years and an accompanying HMMP, secured by legal agreement.

ECC Trees advisor raises no objection subject to clarification regarding treatment of arboricultural features adjacent to the proposed access. The site is surrounded by a high-value arboricultural feature that provides multiple benefits to both the site and the wider landscape. The proposed development is generally well-positioned away from this feature, and as such, there are no significant concerns regarding overall impact. A Tree Protection Plan (TPP) that indicates how the trees will be protected should be conditioned as part of any approval.

ECC Heritage Officer advises that the potential archaeological impact is considered to be medium/low for previously unknown archaeological deposits based on the current available information. A pre commencement archaeological field survey of the site and a subsequent mitigation strategy based upon the results of that intervention would be sufficient to mitigate any potential harm. This should be secured by condition to any forthcoming approval.

ECC Net Zero Team – District Heating Networks work best in densely populated areas like Exeter. They can play a pivotal role in enhancing sustainability by reducing a reliance on fossil fuels to heat our buildings. They make strides in efficiency but also help towards decarbonisation efforts to improve public health (better air quality). Overall, there are considerably less carbon emissions associated with district heating and cooling.

Decentralising the production of heat and its distribution through a network of insulated pipes can significantly reduce carbon emissions. It will allow for the redistribution of surplus heat amongst other buildings across the city and will enhance the energy security for the city and customers of the heat network. It can also reduce the dependence on external fluctuating energy markets. Exeter is a growing city with new commercial and housing developments planned. There is scalability with a DHN in servicing new developments across the city. The need for indoor climate control will become increasingly important, especially during warmer summer months. This not only meets the present demands but also anticipates future cooling needs, ensuring cities are prepared for changing climates. Once completed, new users of a DHN can be added over time, meaning buildings can benefit from cheaper, more efficient heating without having to make significant structural changes to other buildings or roads. In Exeter there is a reliance on the main gas network: As of the 2021 Census, 1.1% (579) of homes in Exeter are connected to a District Heat Network, 0.3% (171) having renewable energy; with the majority of homes using some form of fossil fuel to heat their homes. The future expansion of the Exeter Energy Network to serve new and existing homes across the city, will significantly contribute to the well-being of residents. DHN foster healthier, cleaner living environments, enhancing the overall quality of life for communities.

ECC Urban Design and Landscape officer – The site is in one sense an extension of the Marsh Barton area of existing commercial and industrial uses but, in extending east of the railway, it is also firmly in the perceived realm of the Riverside Valley Park, with its recreational walking and cycling routes and waterborne activities associated with the canal. As was evidenced in the design review presentation, the layout has been influenced by a good deal of technical consideration, but the challenge of creating an acceptable visual impact – indeed, to some degree, in *celebrating* this important new facility/function - had not yet been as influential as it will need to be. Appearance is a Reserved Matter, but the fundamental presence and posture of the project will, of course, be largely determined by the site layout. We are pleased to now see a much-improved configuration of the various constituent parts of the complex which has allowed for a clearer and more rationally organised ensemble of the technical parts. We also see merit in the new alignment of the layout – which relates much more successfully with the railway line and adjacent station. The reduction in the brief (data centre omitted) and the stacking of some other elements has allowed a reduction in the built footprint and this too is a welcome revision.

The outline silhouette of the proposals is not modelled in the Landscape Visual Impact Assessment (LVIA) views and therefore they do not fully assist in facilitating an assessment of scale, but with the energy to waste plant and mature trees in the immediate setting, this is a location that can accommodate buildings of considerable height. The new drawings suggest that a (modest) increase in height has been necessary in rationalising the three-dimensional composition, but this does not materially affect this, our earlier assessment of acceptable height. The LVIA study

seems to confirm that longer distance views are not the most critical due to the strong existing tree-planting along the canal-side and the dominance of the existing 'waste to heat' facility which is located on an adjacent site on the other side of the railway. The closer viewpoints demonstrate that localised visual impacts will be subject to the greatest change and the mitigating effects of the detailed landscape proposals will be very important at Reserved Matters stage.

Landscape is a Reserved Matter, but the Outline application needs to be able to suggest a successful framework which emanates from the site layout and is inevitably influenced by it. A set of character areas (which in terms of ecology will no doubt correspond to different habitat types) needs to be created. The landscape framework proposed and shown on the "Site Masterplan (version 2 layout)" should therefore be formalised as a 'parameter plan' and recognised by way of a condition thereby providing the strategic basis for a later Reserved Matters submission setting out the detailed landscape treatments. The vehicular access into the site has been re-considered and is now designed to be secondary to the movement of active travel movements (particularly cycling) along Clapperbrook Road. The original idea of a 'Gate House' educational building at the entrance to the site has now been omitted with these important publicly accessible functions of the project brief now being included in the main buildings. This makes for a neater and more secure arrangement, which is supported.

Community Groups

Devon Wildlife Trust object to the planning application because we consider that the proposals do not provide sufficient evidence to satisfy the requirements relating to biodiversity in paragraphs 174d, 180a and 180d of the National Planning Policy Framework or the requirements of paragraph 99 of ODPM Circular 06/2005 Biodiversity and Geological Conservation. Furthermore, the Environment Act 2021 and National Planning Practice Guidance requirements relating to biodiversity net gain have not been fully addressed. Bat survey does not conform with BCT survey methodology and reptile survey deficient.

Friends of Exeter Ship Canal object citing grounds of negative impact on the strategic development of the Port of Exeter and Exeter Ship Canal as a working waterway. They consider proposal conflicts with Section S15 of the Water Lane SPD, which calls for public consultation on alternative uses of the site, and council planning policy CP16, which limits development in the Riverside Valley Park to enhancements of park use. Additionally, the Energy Centre would restrict maritime services, hinder plans for an urban campsite, and compromise Exeter's green leisure initiatives. The group also questions the project's environmental credentials, as the proposed heat sources do not align with the original justification for the site. Granting the application would harm public benefits, climate change mitigation efforts, and the long-term viability of the Port and waterway.

Exeter Civic Society objects and raises concerns about the loss of green infrastructure in the Riverside Valley Park, which is vital for recreational use and biodiversity, especially for future residents of nearby brownfield developments. The justification for the site (proximity to the river and incinerator) is no longer valid, as the energy plant will not use these sources. The site is in a Flood Zone 3, and alternative sites have not been adequately explored. The proposal does not align with the Riverside & Ludwell Valley Parks Master Plan, which prioritises recreational and ecological uses for the area. The visual impact of the proposed thermal store tanks has not been adequately addressed. The application lacks a comprehensive strategy for the site, as required by the Water Lane SPD code S15. The society recommends refusal or deferral of the application until alternative sites are investigated, and a comprehensive strategy is developed. It also urges the council to condition the proposal to ensure the use of green energy production processes.

Further to submission of revised plans Exeter Civic Society advises that while they prefer the new, decluttered design of the plant, they strongly object to its positioning on the east side of the site. They consider the Sequential Test flawed given use of air source heat. They suggest that the current positioning of the plant could worsen flooding. They recommend positioning the plant closer to the railway and implementing flood mitigation measures. They argue that the proposed green space between the plant and the railway is uninviting. They also question the installation of ponds and suggest playing fields as a better alternative. They question the proposed cladding materials and suggest a single material finish for better aesthetics. They recommend an annual report on energy sources used and suggest conditions to prevent increased use of gas, aligning with ECC's net zero targets.

Exeter Cycling Campaign – The Transport Statement seems to assume the E17 cycle route (from the Exeter LCWIP) is already in place. This is not so, the applicant should be asked for a developer contribution to delivering some of this planned E17 route improvement. We welcome the declared intention to adhere to the transport hierarchy which prioritises people on foot above people on bikes above motorised vehicle users at the entrance, however layout and signage does not properly enforce priority.

South West Business Council supports the application to develop an energy centre. The energy centre will use renewable energy sources to provide secure, local, and low-carbon heat, improving energy resilience in Exeter. It will help reduce carbon emissions, decommission older gas boilers, and improve local air quality. The heat network will enable businesses to reduce greenhouse gas emissions, meet statutory requirements, and attract investment by demonstrating environmental responsibility. The project will create over 150 jobs during construction, engage local suppliers, and fund apprenticeships at Exeter College to develop green energy skills. The development aligns with Exeter's status as a global leader in climate science and enhances its attractiveness to investors.

The Royal Devon University NHS Trust supports the application. The NHS, like other public sector bodies, has committed to transforming services to a low carbon future. In fact, the NHS was the first heath system in the world to commit to a series of Net Zero targets ahead of those mandated by UK law. In addition, the Trust has been focused on working in partnership and through collaboration with Exeter city partners to explore numerous opportunities where a system or place-based approach can support low carbon activity. Whilst this support does not imply that the Trust will automatically procure services from this or any other supplier of low carbon energy, we do believe that the development of key assets for low carbon energy across the city is essential for the delivery against Net Zero targets.

ECC St. David's Ward Cllr Moore – The development is a departure from existing and emerging planning policy. Community engagement was on the basis of water source heat pumps, no longer the case. Further information should be required from the developers showing the GHG emissions created by the Plant to evidence the 'low carbon' assertion and in order to demonstrate compliance with new Local Plan Policy CC1 and Exeter's Net Zero 2030 priority set out in the emerging Local Plan. Compensation should be offered for loss of amenity of the field. Any tree loss must be compensated. Impact on SSSIs not considered. BNG assessment considered flawed. Support for DWT objection.

11.0 Representations

The application has been advertised by site notice press notice and neighbour letter.

13 public objections have been received raising the following concerns:

- Only buildings which enhance the use of the Valley Park should be permitted.
- No water source heat so no longer needs to be by river
- The inclusion of a data centre on site is a case of including something which is not in line with the council policy on the Valley Park.
- Will reduce the green space available for residents of the recently approved Water Lane development
- Access is single track with passing spaces and not suitable for use by heavy goods vehicles
- The statement that the building will be single storey is misleading as it will need to be raised from the ground.
- The idea of the energy centre may be a good one but it should be on another genuinely brownfield site with no risk of flooding.
- The site is an important wildlife corridor
- Contrary to the Exeter Plan policy NE2 and the Liveable Water Lane SPD.
- Great idea, wrong location.
- The owners are likely to want to expand it in future,
- We have not been told how open space requirements for the Water Lane SPD housing will be fulfilled.
- Deliberate deception not referring to Valley Park in application.

- No information on what buildings and disruption will be involved in constructing the heat distribution network and the off-take from the River Exe.
- The park location was only chosen because it is easy.
- Solar Farm site should have been considered.
- Primarily gas fired heat network with no indication of the CO2 savings forecast risks locking in carbon emissions
- Will set a precedent for further development of the Riverside Valley Park.
- The destruction of habitats.
- The loss of green spaces; and the disruption of wildlife.
- Noise levels for recreational users of Riverside Valley Park
- Impact on the character and appearance of the Riverside Valley Park.
- The consultation was misleading as the actual application removes of almost all the renewable energy sources previously claimed.
- Application does not incorporate the pipe network
- Takes away land that is well used by residents of Exeter for recreational purposes and is so designated.
- Building on this site is contrary to the Exeter Plan policy NE2 and the Liveable Water Lane SPD.
- Opposition to proposed construction of a Heat Exchange Plant near the river Exe, Exeter Canal & Belle Island which will adversely affect this area & Belle Island
- Will increase the pollution in this area
- The site is in Flood Zone 3, the category with the greatest probability of flooding.
- Site does not contain space for the biodiversity or drainage aspects which must therefore be viewed as potentially undeliverable.
- the proposal is 50/50 gas and air [source heat] to provide 20MW heat. The development is reduced carbon, not "Low-to-Zero Carbon (LZC) heat network" as claimed
- A written commitment to implement decarbonisation plan which should be published alongside regular reviews of progress towards fossil fuel free heat
- Other sites within the industrial estate may be suitable. It cannot be demonstrated that there are material benefits for this site that outweigh the harm of building on this green space.
- A Renewable Heat Network is a desirable facility, as is an unspoilt Riverside Valley Park long protected by council policy documents and plans.Need to be sure that the sacrifice of the existing benefits of one will deliver the promised, but presently absent, benefits of the other.
- The Concept Design for wider Grace Road Field showing tranquil ponds and wildlife walks is not assessed for noise. Clearly the intention is for people to spend some time there relaxing, so should be assessed for noise impact.

12.0 Relevant policies

National Planning Policy Framework (NPPF) 2025

Sections 2 Achieving Sustainable Development, 8 Promoting healthy and safe communities, 14 Meeting the Challenge of climate change flooding and coastal change, and 15 conserving and enhancing the natural environment are particularly relevant.

Development Plan

Exeter Core Strategy (2012)
CP11 – Pollution
CP12 – Flood Risk
CP13 – Decentralised Energy
CP15 – Sustainable Construction
CP16 – Green Infrastructure, Landscape and Biodiversity
CP17 – Design and Local Distinctiveness

Exeter Local Plan First Review (2005)
L1 - Valley Parks
L3 - Development on Open Space
L5 - Loss of playing fields
L7 - Loss of sporting facilities
LS1 - Landscape setting of the city
LS4 - Site of nature conservation
T1 - Sustainable travel
T3 - Sustainable transport
T10 - Parking standards
T14 - Safeguarded land - Grace Road link
C5 - Archaeology
H3 - Housing
S1 - Retail
S6 - Amusement Arcades
TM1 - Hotels
TM3 - Tourism
EN2 - Contamination
EN3 - Air and water quality
EN4 - Risk of flooding.
EN5 - Noise
EN6 - Renewable energy facilities
DG1 - Design
DG3 - Design of commercial development
DG7 - Design for safety

Devon Waste Plan 2011 – 2031 (Adopted 11 December 2014) (Devon County Council)
W4 – Waste Prevention
W21 – Making Provision for Waste Management

Other relevant planning policy documents

Liveable Water Lane SPD: Development Framework and Design Code.
M01 - Contextual analysis
M02 - Local engagement
M03 - Character and cultural identity
M04 - Relationship with the River and Canal
Q01 - Global city qualities
Q02 - Zero Carbon
Q03 - Site analysis and community engagement
Q04 - Energy hierarchy
Q05 - Passive and climate responsive design
Q06 - Local clean energy networks
Q07 - SMART grid and infrastructure
Q08 - Renewable energy
Q09 - Air quality and pollution
Q10 - Water hierarchy
Q11 - Materials and waste hierarchy
Q12 - Embodied carbon
Q13 - Resilience
Q14 - Building performance standards
Q15 - Flood risk
Q16 - Development coordination
Q17 - Stewardship and governance
W01 - General land use and activity
W02 - Land use plan
W07 - Employment opportunities
W12 – Clapperbrook Hub
L26 - Public, private thresholds
L28 - Designing out crime
A01 - Mobility strategy
A02 - Active travel plan
A03 - Vehicle access plan
A07 - Target vehicle thresholds
A11 - Car parking
A12 - Cycle and mobility parking
A13 - Safe access and egress
A14 - Mobility coding plan
A28 - Canal tow path
A29 - Railway crossings
A30 - Off-site connectivity and improvements
S01 - Green infrastructure plan
S02 - Open space
S03 - Green and blue infrastructure
S04 - Biodiversity
S05 - Urban Greening Factor (UGF)
S06 - Sustainable Drainage Systems (SuDS)
S07 - Trees

S08 - Planting
S09 - Play
S10 - Food growing
S13 - Canal
S15 – Grace Road Fields
C01 - Culture led development
C02 - Public realm placemaking

Sustainable Transport SPD 2013
Public Open Space SPD 2005
Trees and Development SPD 2009
Planning Obligations SPD 2014

Other material considerations
Draft Exeter Plan Regulation 19 Publication Draft
The site is identified as a strategic mixed-use development in the emerging Exeter Plan, as part of the Water Lane regeneration area (Site 15).

Liveable Exeter: A transformational housing delivery programme.
Liveable Exeter Principles.

13.0 Human rights

Article 6 - Right to a fair trial.
Article 8 - Right to respect for private and family life and home.
The first protocol of Article 1 Protection of property

The consideration of the application in accordance with Council procedures will ensure that views of all those interested are considered. All comments from interested parties have been considered and reported within this report in summary with full text available via the Council's website.

Any interference with property rights is in the public interest and in accordance with the Town and Country planning Act 1990 regime for controlling the development of land. This recommendation is based on the consideration of the proposal against adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

14.0 Public sector equalities duty

As set out in the Equality Act 2010, all public bodies, in discharging their functions must have "due regard" to the need to:

a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard in particular to the need to:

a) removing or minimising disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of other persons who do not share it
c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has had due regard to the matters set out in section 149 of the Equality Act 2010.

15.0 Financial issues

The requirements to set out the financial benefits arising from a planning application is set out in s155 of the Housing and Planning Act 2016. This requires that local planning authorities include financial benefits in each report which is:-

a) made by an officer or agent of the authority for the purposes of a non-delegated determination of an application for planning permission; and
b) contains a recommendation as to how the authority should determine the application in accordance with section 70(2) of the Town and Country Planning Act 1990.

The information or financial benefits must include a list of local financial considerations or benefits of a development which officers consider are likely to be obtained by the authority if the development is carried out including their value if known and should include whether the officer considers these to be material or not material.

<u>Material considerations</u>
Biodiversity Net Gain of 57% (significantly above 10% statutory requirement) provided on site.
Additional Area 1.1 hectares of enhanced public open space and BNG opportunity.
150 of jobs projected to be created in construction and operation.

<u>Non-material considerations</u>
This proposal is not CIL liable.
The proposal will generate business rates.

16.0 Planning assessment

The assessment addresses the key planning issues in the following order:

1. Principle of development
2. Scale, design, impact on character and appearance
3. Access
4. Impact on amenity, noise, and air quality
5. Impact on environment
6. Impact on heritage assets
7. Economic and Community benefit
8. Flood Risk
9. Planning Balance

16.1 Principle of Development

The site is allocated in the Exeter Local Plan First Review and saved Policies L1, L3, L5, LS1, EN6 and KP6 are considered to benefit from full weight in decision making. The Exeter Core Strategy Policy CP16 includes the site as Riverside Valley Park and Policy CP17 designates Water Lane as a Regeneration Area and again are considered to carry full weight in decision making. The Water Lane Design Code SPD was adopted in July 2024 giving detailed up to date planning guidance regarding the way in which the wider area should be developed. The emerging Exeter Plan carries minimal weight in decision making at this stage.

Grace Road Field was used for formal playing pitches until 2012. Since use as formal pitches ceased the site has been used as informal recreation and public gated access from Clapperbrook Lane East and informal access from the canal towpath at the southern end of the field. The proposals are not considered to result in the loss of sports pitches or sports facilities and are not considered to be contrary to Policies L5 or L7 of the Exeter Local Plan First Review. The adopted Playing Pitch Strategy identifies Bromhams Farm as an opportunity for a Community and Sports Hub and the provision of enhanced sports facilities, and this is included in Code W12 of the Liveable Water Lane SPD and Design Code as the “Clapperbrook Hub”. The application site is not allocated specifically for sport in the Exeter Local Plan First Review, Core Strategy or the emerging Exeter Plan and the proposals are not considered to result in the loss of or harm to any existing formal sports provision or to interfere with the delivery of the adopted Playing Pitch Strategy for the enhancement of sport provision in this area.

There are tensions between Development Plan policies which seek to protect the open space and landscape setting of the city and those which promote some development in the area of this site. Policy KP6 gives some detailed guidance but is dated in a number of regards. The Liveable Water Lane SPD and Design Code is a recently adopted Supplementary Planning Document which supports adopted Development Plan policy, takes into account recent developments and changes in

land use in the area of the site and has been prepared alongside the emerging Exeter Plan. It provides adopted up-to-date guidance in support of the current and emerging development plan and should be given significant weight in decision making.

Exeter Local Plan First Review policies L1, L3, LS1 and Policy CP16 of the Core Strategy protect open space in the interests of recreation and the landscape setting of the city which need to be considered alongside other policies that promote use of the land. The development scheme has been amended to reduce impact on landscape and minimise open space taken through development by removal of an originally proposed Data Centre and re-organisation of component elements. Elements including the visitor's centre and electrical infrastructure have as far as possible been integrated into one building and Air Source Heat evaporators mounted on the building. The mature tree belts and landscaping surrounding the wider Grace Road Fields would be further enhanced and are considered to provide a screen that reduces impact of the buildings on the wider landscape setting. The remaining open space at Grace Road Fields, both within the application red line and outside this within Council ownership are proposed to be landscaped and enhanced for biodiversity and to provide public access. Biodiversity Net Gain would be secured to be delivered and managed for a minimum period of 30 years through the use of planning conditions and a Legal Agreement attached to any consent. As such, the impacts of the development have been minimised, and benefits to the natural environment and public access to greenspace would be enhanced.

Exeter Local Plan First Review Policy EN6 supports renewable energy facilities, such as air Source Heat pumps, provided that the benefits outweigh harms including to landscape. Core Strategy Polies CP13 and CP17 require and promote decentralised energy network development and connection to the Energy from Waste (EfW) plant. The application scheme will enable the wider network and EfW connection. The supply of heat from the Energy from Waste Plant is not continuous and would require back up heat provision and storage if it is to be used as a future heat source for a decentralised network. The development provides this on a site close to the EfW. It enables future connection of the EfW and use of the energy potential of that plant that is at least five times more efficient than the current conversion of EfW heat for electricity.

District Heating Networks aggregate heat loads and demand profiles, allowing heat-generating plant to be designed and operated more efficiently. In doing so, they also enable the integration of additional low-carbon or waste-heat sources to supply heat to buildings.

The creation of an energy centre that provides Heat Network customers with energy security is a fundamental component of such a network. While a Heat Network often begins with a single energy source, once operational it can integrate additional sources of heat – such as waste heat from industry or data centres – including intermittent sources that would not be viable or reliable without the stability provided by the network.

A Heat Network transfers the responsibility for generating heat from individual users to an energy company, together with the obligation to reduce the carbon intensity of that heat supply.

A Local Net Zero target of 2030 and national target of Net Zero by 2050 have been set. Within those headline targets individual organisations are setting or being set their own targets. It is recommended that any consent is made subject of a requirement for a plan for the ongoing reduction in carbon content of heat in the interests of ensuring that the carbon intensity of heat supplied plans for and meets the legislative targets, meets needs of customers and is ambitious in identifying and connecting low carbon heat sources. A requirement for a Carbon Reduction Plan to ensure promoted carbon benefits of the development are realised and that the network continues to work to reduce emission in line with legislative targets and local objectives, and monitors emissions related to the heat supply on an ongoing basis, can be secured by Legal Agreement attached to any consent.

The northernmost part of the site previously operated as the construction compound for the Marsh Barton Station development. This compound has now been removed, and construction access was taken from Water Lane through the Solar Farm site. The same route is proposed to be used for construction traffic associated with this development, thereby avoiding the bridges on Clapperbrook Lane East. Although the Exeter Local Plan First Review (Policy KP6) identifies a proposed highway link from Clapperbrook Lane East to Water Lane, this link is not being pursued. Instead, the Liveable Water Lane Design Code SPD sets out the access strategy for the Water Lane area.

Liveable Water Lane Design Code SPD Policy S15 identifies the site as part of an area for open space uses but also green energy opportunities and sets out that development should help meet Exeter's Net Zero Carbon ambitions. The proposals for an Energy Centre to support a District Heating Network serving the city and enhancing the open space providing access for recreation and biodiversity is considered to accord with the principles of the SPD.

Representations have been made that the site is shown in the Riverside Valley Park Masterplan as a campsite. This application should be determined on its own merits in accordance with the Development Plan policies and other material considerations. The Riverside Masterplan is not endorsed for development management purposes and carries limited weight in planning decision making. Liveable Water Lane Design Code SPD Policy S15 guides that the Riverside and Ludwell Valley Parks Masterplan should be used for ideas and reference.

16.2 Scale, design, impact on character and appearance

The scheme has been amended to reduce the extent and amount of built development to that which is essential. The data centre, and associated plant and ancillary works have been omitted. The boilers, heat pumps, electrical substations, switch gear, visitor and operational accommodation have as far as possible been incorporated and enclosed in a single building, with the evaporators arranged on the roof. The gas supply, thermal stores and 33kV electrical substation are separate structures but have been positioned to reduce overall footprint of buildings and the extent of the enclosing fenced compound. Space for the plant associated with future water source heat and hardstanding for temporary backup generators is allowed for.

Buildings have also been arranged to reduce the presentation of industrial equipment when viewed from outside the boundary in accordance with the principles of Policy DG3. Reducing the extent of buildings increased the areas available for landscaping and public space. The buildings are situated on the eastern side of the site to avoid risk of increase in flood risk to the rail line. The layout and arrangement of the parts are driven to a significant extent by technical constraints; however, the rationalised and reduced revised layout relates better to the spaces.

The scale and massing of buildings is applied for at this stage. Whilst the buildings are industrial in nature, visual impact has been reduced as far as possible. The character of the greenfield site is also influenced by the much larger Energy from Waste plant on the west side of the railway.

A Landscape and Visual Impact Appraisal (LVIA) has been carried out and views of the development modelled. The conclusion that there would be limited visibility or landscape change resulting from the proposed development beyond the immediate context of the site is accepted. Close range views either through gaps in the tree screen or filtered through trees in leaf would still be evident. In longer range views the substantial existing tree belts and presence of the Energy from Waste facility, which rise to be significantly taller than the development proposed, would substantially ameliorate impact.

The development site is constrained by the canal and Alphinbrook flood relief channel and within the context of the Water Lane regeneration to the north. The strong boundaries to the site, both in terms of linear features on the ground and in established tree belt planting compartmentalises this part of the Valley Park. This, together with the limited scope of the policy designations that support development, serves to contain the proposal and ensures that permitting the scheme would not create additional development pressure within the surrounding Valley Park.

Appearance and Landscaping are Reserved Matters. The illustrative schemes show how colouring and materials can be used to reduce visual impact. Details would be secured by condition. The application is supported by illustrative landscaping

schemes for the remaining site area (outside the enclosed energy centre) with land to the west and south being landscaped for public amenity and biodiversity and the tree belt to the east (along the canal) being strengthened. An illustrative scheme for landscaping of the southern part of the site, which is outside the red line, but within ECC ownership, is also provided. These areas of landscape can be laid out for public access to an enhanced level of amenity with increased biodiversity.

The BNG within the area of the red line is 57%; the additional uplift in BNG on site above the statutory 10% would be secured through the S106 alongside 30 year management of the BNG habitat. BNG on the additional 1 hectare southern part of the field can also be secured by S106. In this manner the development proposed on site has been integrated into the landscape as far as is considered possible in accordance with the principle of policies DG1, DG3 and DG7. The impact on landscape is a key consideration in determining the application.

The density of tree planting needs to allow for floodwater not to be impeded.

A number of construction phase restrictions have been requested by Network Rail. These can be required to form part of a Construction Environmental Management Plan (CEMP) secured by condition. As such the proposals are considered to accord with the aims of Policy DG7.

16.3 Access

Access is proposed to be via Water Lane (crossing Clapperbrook Lane East) during the construction phase, and via Clapperbrook Lane East in the operational phase.

Access to the site for construction utilises the route created for the construction of the rail halt on land south of the site.

Restrictions on construction access can be secured through a Construction Environmental Management Plan (CEMP) in the interest of avoiding additional traffic on Clapperbrook Lane East where the bridge is narrow and has a weight restriction. Construction access would require the removal of three trees as discussed below for which compensatory planting can be secured.

The development incorporates a visitor facility for education purposes. In addition to operational parking for small vehicles, disabled parking for visitors is provided. Four parking spaces in total are shown. Cycle parking for staff and visitors can be accommodated within the secure area, with additional provision for visitors to the enhanced recreation space outside that area, and this can be secured by planning condition.

Th indicative landscape proposal shows how walking routes through the site, formalising access to the canal towpath at the southern end of the site, can be laid out to enhance use of the open space for informal recreation.

The access to the site has been designed to maintain priority and level routing for pedestrians and cycles along Clapperbrook Lane East. Construction traffic crossing Clapperbrook Lane East would require staffed traffic management of vehicles crossing into the site. Detailed design of improvements in the highway will be secured by a Section 278 agreement.

There is no objection to the proposed development on highways grounds by the Highway Authority. Concerns regarding disruption during the laying out of a pipe network to take heat from this site and other sources to customers is raised. This is not part of the application. The majority of the pipe network will not require express planning permission as this was granted by creation of a Local Development Order (LDO) for Local Energy Networks in 2019. District Heating Operators do not currently benefit from Statutory Undertakers rights and consent for works in the Highway relating to the District Heating Network will be required from the Local Highway Authority as set out in the Highway Authority's response.

Subject to the recommended conditions, the proposals are considered to accord with policies T1 and T10 of the Exeter Local Plan First Review and Codes A01-A03 and A27-A30 of the Liveable Water Lane Design Code SPD.

16.4 Impact on amenity, noise, and air quality

The site is not identified as potentially contaminated and has no record of contaminative uses. Subject to conditions requiring the reporting and remediation of any contamination including unexpected contamination found during construction the proposals are considered to accord with the aims of the NPPF and Policy EN2 in this regard.

The application is remote from existing dwellings, the closest noise sensitive receptors in this case are the open spaces of the Riverside Valley Park. The site is in close proximity to the rail line and station and Energy from Waste Plant which are noise generating uses. The submitted noise information has been confirmed by Environmental Health to be acceptable pursuant to conditions requiring control over further matters of detailed noise information related to proposed plant on site that is not available at this time. Subject to imposition of the recommended controlling conditions the proposals are considered to accord with the aims of Policy EN5 and NPPF.

Environmental Health have received requested clarifications regarding the Air Quality Assessment; they have confirmed there is now no objection on air quality grounds. As such the proposals are considered to accord with the aims of policies EN3 and CP11 of the Development plan which guide that development that would harm air and water quality will not be permitted. The proposed development will reduce use of fossil fuel for heating at connected sites across the city and will improve air quality at those locations.

16.5 Impact on environment

The proposal is not Schedule 1 Development under the EIA Regulations. The proposal is Schedule 2 Development because it falls within paragraph 3 (a) of schedule 2 of the above Regulations (industrial installations for the production of electricity, steam and hot water), and it is above the threshold in that paragraph of 0.5ha. In the opinion of the Local Planning Authority, having taken into account the criteria in Schedule 3 to the above Regulations, the proposal would not be likely to have significant effect on the environment because the site is not situated within a Sensitive Area as defined by Regulation 2(1). The proposed development is 1700m from the Exe Estuary SSSI, SPA and RAMSAR site. Given the nature and environmental sensitivities of those protected areas, and the nature and characteristics of the impacts of the proposed development on the environment, the development is not considered to have a significant effect on those sensitive sites.

The site is adjacent to a designated County Wildlife Site (SX99/051) which is also part of the Riverside Valley Park. These are not Sensitive Areas as defined by Regulation 2(1). The County Wildlife Site is designated for 'Canal with botanical and dragonfly interest' and the Valley Park is protected as landscape setting of the city. The proposed development area is grassland used as informal recreation and is within Flood Zone 3. It is considered that the impact of the development on the County Wildlife Site and the Valley Park, and flood risk, can be assessed and controlled through the planning process.

At this time there are no developments with planning permission that would impact on the environment in cumulation with the development subject of this application. Given the overall nature and scale of the proposed development and the nature of the receiving environment it is considered that while there will be some impact on the area as a result of this development, it would not be of a scale and nature likely to result in significant environmental effects. Accordingly, the Local Planning Authority has concluded that the development applied for is not Environmental Impact Assessment (EIA) development.

Whilst the site is within the 10km recreation buffer zone of the Exe Estuary Special Protection Area, the proposed development is not residential and is not therefore expected to result in increased recreational pressure upon the site. Additionally, the site is not located in close proximity to areas used by over-wintering or migrating birds, and as such construction activity would not be expected to give rise to adverse impacts from noise or visual disturbance. The development is considered unlikely to have a significant effect on a protected habitat or the achievement of its conservation objectives. Therefore, Appropriate Assessment is considered unnecessary.

The site is an identified Site of Local Nature Conservation interest. Exeter Local Plan First Review Policy LS4 guides that development which would harm a site of nature conservation interest would only be permitted where harm has been minimised and the need for development outweighs the harm. The submitted Ecological Appraisal

identifies a range of species (including protected species) which have been recorded on the site. The applicant has adopted a worst-case scenario regarding reptiles on site which will need pre-commencement conditions to ensure that any translocation that may be required is carried out prior to commencement of any works. The survey results for bats, in aggregate with the desk study data, shows that bats use the site for foraging and commuting, including some light-averse and very rare species. Additional transect observations would not make a material difference to the proposed mitigation. The buffer/corridor provision, bat boxes and lighting strategy are considered sufficient for the proposed development.

All recommended enhancement and mitigation measures in the Ecological Impact Assessment (EcIA), along with more detailed mitigation for mammals during construction, and a full lighting strategy should be secured by way of condition and detailed within a CEMP (see above) and a Landscape and Ecological Management Plan (LEMP) covering the operational phase for any ecological interests not covered by the Habitat Management and Monitoring Plan (HMMP) which relates to Biodiversity Net Gain (see below).

The footprint for the development has been reduced to minimise harm to the site of nature conservation interest. In accordance with Policy LS4 any residual harm needs to be balanced with the benefits of development, those harms having been minimised.

The construction access for proposed development requires the removal of three trees; two on the northern side of Clapperbrook Lane East and one on the edge of a group of trees on the south side. No trees on site are subject of Tree Protected Orders. The extent of tree removal from the group was confirmed as required by the ECC trees adviser in their initial response. The protection of retained trees and replanting of replacement trees can be controlled by condition attached to any consent. Whilst the loss of existing trees is regrettable, the opportunity for replacement compensatory and additional tree planting is considered to mitigate this loss. An indicative landscape design is provided with the application, and landscape is a Reserved Matter which will necessarily be subject of approval prior to commencement of development. The approach to minimising tree loss and compensating is considered to accord with the aims of the Liveable Water Lane Design Code SPD Code S07.

The ecological benefit through Biodiversity Net Gain of 57%, above the statutory requirement of 10%, delivered on site and securing further enhancement of the wider field should be given weight in decision making. Biodiversity Net Gain would be secured to be delivered and managed for a minimum period of 30 years through the use of planning conditions and a Legal Agreement attached to any consent.

The applicant estimates annual carbon savings of approximately 13,000 tonnes from the proposed development, achieved by supplying heat to networked sites including the Wonford and Heavitree Road hospital sites, Exeter College, the University’s

Streatham and St Luke's campuses, the Water Lane regeneration area, and other sites located along the connecting network corridors. Importantly, by linking these sites to a shared network, future decarbonisation of heating can be delivered through improvements to the network's heat sources, rather than relying on individual buildings to implement separate on-site measures. The energy centre, through the heat network, would therefore enable the future provision of zero-carbon heating to the connected sites. A requirement for a Carbon Reduction Plan to ensure promoted carbon benefits of the development are realised and that the network continues to work to reduce emission in line with legislative targets and local objectives, and monitors emissions related to the heat supply on an ongoing basis, can be secured by Legal Agreement attached to any consent.

16.6 Impact on heritage assets

The Historic Environment Record (Devon and Dartmoor) records a pre-historic Ring Ditch and medieval or post medieval Enclosure, which have been affected by previous development. Impact on these possible features of interest can be assessed and controlled through the planning process.

The construction works associated with the proposed development have the capacity to affect the potential buried archaeological resource. Further archaeological investigation is likely to be required in order to provide further information on the nature of the potential remains and any mitigation that might be required, due to the potential for the remains of prehistoric ring ditches and medieval field boundaries. Potential effects could be sufficiently reduced through the implementation of an appropriate programme of archaeological mitigation which can be secured by condition. As such the proposals are considered to accord with the aims of Policy C5.

The development is not considered to affect the setting of any statutory listed buildings or designated Conservation Areas. The setting of Ship Canal structures at Clapperbrook Lane East, which are locally listed, are not considered to be impacted to such as degree as to cause substantial harm. As such the proposals are not considered to conflict with the aims of Policy C5.

Conditions to secure an archaeological written scheme of investigation are recommended to be attached to any consent.

16.7 Economic and Community benefit

The applicant has advised creation of 150 jobs in construction, including creation of apprenticeships with Exeter College. Local benefits can be secured with an Employment and Skills Plan as part of any consent.

The proposal would make a significant contribution to low carbon energy production, reducing greenhouse gas emissions, and would improve resilience of local energy

supply. The proposals support the transition to a low carbon economy and a route to zero carbon for development able to 'plug into' a District Heating Network.

The development of renewable energy infrastructure is supported by local planning policies EN6 and CP16 and national planning policy set out in the NPPF.

Education opportunities will be provided on site through the provision of visitor and education space as part of the development.

The development will enhance open informal landscaped recreation space of circa 3 hectares and create routes through this space linking to the canal towpath and Clapperbrook Lane East. An illustrative landscape scheme for the red line site and for the wider open space is submitted in support of the application. The enhancement and future maintenance of areas of land outside the site boundary but within ECC ownership can be secured through a legal agreement.

16.8 Flood Risk

DCC as Lead Local Flood Authority objected to the proposed drainage design. This is based on their consideration that a crated underground attenuation of rainwater is required, rather than the surface attenuation scheme proposed. DCC approval of a scheme of drainage can be secured prior to commencement of development and hence a condition is suggested to this effect, and to ensure the approved scheme is implemented on site as part of development.

The application site is at risk of flooding from the River Exe and is predominantly within, and is surrounded by, Flood Risk Zone 3. The application is accompanied by a Flood Risk Assessment and Sequential Site Search that has not identified any alternative sites with lower flood risk.

The buildings are sited towards the eastern (canal) side of the site for flood risk and flood water movement reasons. The detailed site flood modelling has demonstrated that, to avoid water being pushed toward the rail line during a flood event, buildings need to be sited away from the western boundary. Increasing the depth of flood water off site during a flood event, making the flood situation worse elsewhere, would be contrary to national and local policy and Environment Agency guidance.

The buildings are designed to be able to operate during flood events and to convey flood water underneath by being raised 2m above existing ground level. Thermal stores are not able to be raised. The EA have confirmed they have no objection on flood risk grounds (subject to the planning sequential and exception tests being passed) as the proposals would not increase flood risk elsewhere.

The NPPF guides that such development is only acceptable in areas of flood risk if the Exception Test is also passed. The exception test has two parts; a) wider sustainability benefits to the community must outweigh the flood risk, and b) the

development must be safe for its lifetime taking account the vulnerability of its users without increasing the risk of flooding elsewhere. It is considered that both parts have been demonstrated to be satisfied.

The development is considered to be essential utility infrastructure which has to be located in a flood risk area for operational reasons – the sequential and exceptions tests being passed.

Consideration will need to be given to the details of fencing and enclosures under buildings to ensure water is accommodated in a flood. A condition is proposed to be attached to any consent regarding the design of these elements.

The proposals are considered to meet the tests set in policies EN4, CP12, CP17, Liveable Waer Lane Design Code Q15, and the NPPF.

16.9 Planning Balance

The public benefits of development are considered to include securing:

- Economic benefits
- Jobs creation and skills enhancements
- Enhanced resilience of local energy supply
- Enhancements to the wider public space
- Landscaping and tree planting
- Statutory Biodiversity Net Gain
- Additional Biodiversity Net Gain on and adjacent the site
- Decarbonisation of heating in the interest of tackling climate change
- Pathways to net zero for existing buildings

Identified harms include:

- Development in an area subject of flood risk
- Loss of part of the open space
- Loss of three existing trees
- Introduction of built form into Landscape Setting
- Noise impact in valley park

The harms have been avoided, reduced and mitigated through revisions to the scheme design, and through measures secured by conditions and/or legal agreement. The public benefits of redevelopment are considered to substantially outweigh the residual flood risk and all other harms.

It is considered that the Sequential Test has been demonstrated to be passed with no sequentially preferrable sites at lower flood risk classification available. The site search has demonstrated that the development cannot currently be located elsewhere and as such the harm to the openness of the site cannot be avoided. The

design has been amended to reduce the footprint of the development as far as practicable. As such the residual harm to the openness of the valley park and the landscape setting of the city is considered to have been minimised.

The exception test has two parts both of which need to be passed. Firstly, that the development would provide wider sustainability benefits to the community that outweigh the flood risk; and secondly that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall. The detailed site Flood Risk Assessment has shown that the proposed development passes the second part, and it is a matter of judgement whether the wider sustainability benefits outweigh the flood risk. The principal sustainability benefits include increased biodiversity of the wider site, improvements to air quality in the city, the economic benefits that would be delivered and the carbon savings achieved.

None of the adverse impacts, individually or cumulatively, are considered to significantly and demonstrably outweigh the public benefits of the development when assessed against the policies in the NPPF or the Local Development Plan when taken as a whole.

The proposal is considered to constitute sustainable development overall and permission should be granted subject to conditions.

17.0 Conclusion

The National Planning Policy Framework (NPPF) guides development is only acceptable in areas of flood risk if the Sequential Test and also the Exception Test are passed. The applicant has submitted a sequential site search that has not identified any alternative sites with lower flood risk that could accommodate the development proposed. The Flood Risk Assessment has demonstrated that the development can be delivered without increasing flood risk elsewhere and the public benefits of the proposed development, in providing economic benefits, enhancements to the wider open spaces, additional biodiversity net gain and in decarbonisation of heating in the interest of tackling climate change, are considered to substantially outweigh the residual flood risk and all other harms.

The application has been subject to detailed assessment against national and local planning policies. The site search has demonstrated that the proposed development cannot reasonably be located on a site outside the Valley Park or Flood Zone 3. The scheme has been carefully refined to minimise its footprint and landscape impact, while delivering substantial and enduring benefits.

The Energy Centre will form a critical component of the Exeter Energy Network, enabling the city to transition towards a net zero carbon future. By supplying heat to hospitals, educational campuses, regeneration areas and other networked sites, the

scheme will unlock significant carbon savings, improve energy security, and directly support the city's Net Zero 2030 ambition. It will also enhance the quality and accessibility of open space at Grace Road Fields, deliver a biodiversity net gain far exceeding statutory requirements, and create new opportunities for education, training, and local employment.

Set against the limited and mitigated environmental and landscape impacts identified, these benefits are judged to be compelling and to outweigh the residual flood risk and all other harms. This is not a marginal proposal but a strategic piece of infrastructure that strengthens Exeter's role as a leader in sustainable development and climate action.

For these reasons, and subject to the completion of a Section 106 Agreement and the conditions set out, it is recommended that Members delegate authority to Officers to grant planning permission.

18.0 Recommendation

The recommendation is in two parts.

A) DELEGATE TO THE HEAD OF CITY DEVELOPMENT TO GRANT PERMISSION SUBJECT TO THE COMPLETION OF A LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TO SECURE THE FOLLOWING:

- Laying out of landscaping of Grace Road Fields,
- Ongoing management of Grace Road Fields
- Securing Biodiversity Net Gain (BNG) of 57%, and management for 30 years
- A carbon descent plan to secure ongoing reduction of fossil fuel use, and decrease in carbon intensity of supplied heat, and monitoring thereof
- Employment and skills plan to secure benefits locally

All S106 contributions should be index-linked from the date of resolution.

And the following conditions (and their reasons) the wording of which may be varied:

<u>Standard Conditions</u>
1. Reserved matters (Landscape, Appearance)
2. Time Limit - Outline
3. Approved Plans List
4. Approved Supporting documents

<u>Pre-commencement (including demolition)</u>
5. Construction Method Statement (CMS),
6. Construction Ecological Management Plan.
7. Construction Phase Drainage

8. Design of Landscape for flood conveyance
9. Tree Retention
10. Tree Protection

Pre-commencement (excluding demolition)
11. Contamination
12. Archaeological watching brief.
13. BREEAM design stage assessment
14. Landscape & Ecological Enhancement & Management Plan
15. Finished Floor Levels
16. Design of Voids and fencing
17. Surface Water Drainage Design
18. External materials
19. External Lighting

Pre-occupation
20. S278
21. Cycle Parking
22. Car Parking
23. Flood Emergency Plan

Other conditions
24. No penetrative piling or boring without consent
25. Unexpected Contamination Remediation
26. Failure of Landscaping
27. Site Noise Limits
28. Site Waste Management Plan
29. Restoration of site following cessation of use.

Informatives

1. S106 attached to this consent
2. Conditional approval with negotiation
3. Protected Species Informative
4. Flood conveyance routes
5. Environmental Permitting
6. Appropriate Assessment not required
7. BNG Plan
8. UXO

Conditions

1) Pre-commencement condition: Details of the appearance, and landscaping (hereinafter called the Reserved Matters) shall be submitted to and approved in writing by the local planning authority prior to commencement of development and

the development shall thereafter be carried out as in accordance with the approved Reserved Matters details.

Reserved Matters Landscaping details shall be in accordance with the “Site Masterplan 24.03-(Version Two Layout)” ref. EDS-XX-XX-DR-A-(00)002 (P1) received 15 May 2025

Reason for pre-commencement condition: To safeguard the rights of the local planning authority in respect of the reserved matters. This information is required before development commences to ensure that the development is properly planned with appropriate regard to the reserved matters.

2) Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun not later than two years from the final approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 rule 2 of the Town and Country Planning Act 1990 as amended.

3) The development hereby permitted shall not be carried out otherwise than in accordance with the submitted Plans received on 15 May 2025 by the Local Planning Authority (as listed below), as modified by other conditions of this consent.

24.03-EDS-XX-XX-DR-A-(00)000 - Site Location RLB Plan
24.03-EDS-XX-XX-DR-A-(00)002 (P1) - Site Masterplan
24.03-EDS-XX-ZZ-DR-A-(02)201-04-Proposed Site Elevations (Sheet 1 of 2)
24.03-EDS-XX-ZZ-DR-A-(02)202-04-Proposed Site Elevations (Sheet 2 of 2)
24.03-EDS-ZZ-01-DR-A-(00)201-P1-GA Plan - First Floor - Version Two
24.03-EDS-ZZ-GF-DR-A-(00)200-P1-GA Plan - Ground Floor Podium - Version Two
24.03-EDS-ZZ-PF-DR-A-(00)203-P1-GA Plan - Platform & Upper Roof - Version Two
24.03-EDS-ZZ-RF-DR-A-(00)202-P1-GA Plan - Main Roof & Second Floor - Version Two
24.03-EDS-ZZ-ZZ-DR-A-(00)300-P1-West Elevation- Version Two
24.03-EDS-ZZ-ZZ-DR-A-(00)301-P1-East Elevation- Version Two
24.03-EDS-ZZ-ZZ-DR-A-(00)302-P1-North & South Elevations- Version Two
24.03-EDS-ZZ-ZZ-DR-A-(00)400-P1-GA Section A-A and B-B- Version Two
C24073-SPA001(C) - Swept Path Analysis Plan
C24073-SPA002(C) - Swept Path Analysis Plan
C24073-SPA003(C) - Swept Path Analysis Plan
C24073-SPA004(C) - Swept Path Analysis Plan
C24073-SPA005(C) - Swept Path Analysis Plan
C24073-SPA006(C) - Swept Path Analysis Plan
C24073-TP001(E) - General Arrangement Plan
C24073-TP002(D) - Visibility Splay Plan

Reason: In order to ensure compliance with the approved drawings.

4) The development shall only be carried out in accordance with the following supporting application documents received by the Local Planning Authority (as listed below) as modified by other conditions of this consent.

Design and Access Statement (V2) 03, received 15 May 2025
Contaminated Land DBA received 23 December 2024
Exeter Energy Network - Lighting Assessment, received 23 December 2024
Archaeology Assessment, received 23 December 2024
Statement of Community Involvement, received 23 December 2024
Arboricultural Impact Assessment, received 9 July 2025
GI and Waste Statement, received 23 December 2024
Planning Statement v2, received 10 January 2025
Air Quality Assessment v3, and memo received 20 June 2025
Contaminated Land Desk Study R3.0, received 12 May 2025
Exeter Energy Network Explainer Document, received 12 May 2025
Flood Risk Assessment, received 12 May 2025
Landscape and Visual Appraisal P02, received 12 May 2025
Noise Assessment V1.2, received 12 May 2025
Sustainability Statement_Rev02, received 12 May 2025
The Statutory Biodiversity Metri Calculation-Exeter Energy Centre-29042025 Rev 2, received 15 May 2025
Exeter Energy Centre-Biodiversity Net Gain Statement and Assessments Rev 1-29042025, received 15 May 2025
Transport Statement, received 15 May 2025
Noise Impact Assessment Note, received 17 June 2025

Reason: In order to ensure compliance with the approved documents.

5) No development (including ground works) or vegetation clearance works shall take place until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement shall provide for:

a) The site access point(s) of all vehicles to the site during the construction phase, and the proposed route of all construction traffic exceeding 7.5 tonnes.
b) The parking of vehicles of site operatives and visitors.
c) Photographic survey of the condition of adjacent public highway prior to commencement of any work;
d) Areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
e) Details of wheel washing facilities.

f) The layout of the site including site compound (and identification of how power will be provided to the compound), storage areas of plant and materials used in constructing the development
g) The means of enclosure of the site during works; and
h) A noise and vibration management plan, including details of quantitative monitoring of noise and/or vibration to be conducted if deemed necessary by the LPA following justified complaints.
i) A detailed proactive and reactive dust management plan, including details of quantitative monitoring of dust emissions.
j) No burning on site during construction or site preparation works.
k) Construction working hours and deliveries from 8:00 to 18:00 Monday to Friday, 8:00 to 13:00 on Saturdays and at no time on Sundays or Bank Holidays, unless agreed by the planning Authority in advance;
l) No driven piling shall take place without prior consent from the LPA.
m) All plant and equipment based at the site to use white noise reversing alarms or a banksman unless agreed otherwise in writing in the CMS.
n) No burning on site during construction or site preparation works.
o) All non-road mobile machinery (NRMM) based at the site shall be of at least stage IIIB emission standard (or higher if stage IIB has not been defined for the type of machinery) unless agreed otherwise in writing in the CMS.
p) Arrangements for communication and liaison with local residents and businesses, including a dedicated contact for complaints.

Development hereby approved shall only be carried out in accordance with an approved Construction Method Statement which shall be strictly adhered to throughout the construction period.

Reason: In the interests of protecting amenity and the environment, and in the interests of ensuring access to Gabriel's Wharf during construction.

6) No development shall take place (including any demolition, ground works, site clearance) until a Construction Ecological Management Plan (CEcMP) (which is consistent with the BS42020 and includes all recommended enhancement and mitigation measures in the EcIA, along with detailed mitigation for mammals during construction) has been submitted to and approved in writing by the local planning authority. The CEcMP shall include appropriate measures, methods, and communication lines to manage potentially damaging construction activities on ecological features including roosting bats, nesting birds, badger, hedgehog, otter, Schedule 9 non-native species and any other significant features identified prior to, or during, construction. Once approved, the plan shall be implemented for the duration of the construction period.

Reason: In the interests of protecting and enhancing the natural environment.

7) Pre-Commencement Condition: No part of the development (excluding site clearance or site investigation) hereby permitted shall commence until the detailed

design of the proposed surface water drainage management system which will serve the development site for the full period of construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary surface water drainage management system must satisfactorily address both the rates and volumes, and quality, of the surface water runoff from the construction site.

Reason for pre-commencement condition: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

8) No trees, shrubs, or hedges on or around the site, other than trees T6, T7 and the identified tree within G12 group shown as being removed on the Arboricultural Impact Assessment, received 23 December 2024 shall not be felled, lopped or removed without the prior written consent of the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

9) The development hereby permitted shall not be commenced until a detailed landscaping scheme for the area between the site's outer security fencing and railway station is has been submitted to and approved in writing by the LPA. This area shall be designed to operate as a flood conveyance area during larger floods and cannot include any features that may obstruct flood flows e.g. Devon Hedge, landscaping embankments etc. The scheme shall include:

- details of any proposed planting scheme (for example, native species)
- details demonstrating how the area will be protected during development and managed over the longer term including named body responsible for management plus production of detailed management plan
- details of any proposed footpaths, fencing, lighting, etc

Thereafter, the development shall be carried out in accordance with the approved scheme. Any subsequent variations shall be agreed in writing by the local planning authority; in which case the development shall be carried out in accordance with the amended scheme.

Reason: To ensure that proposed development is safe from flooding and does not increase flood risk to third parties.

10) Pre-commencement condition: No materials shall be brought onto the development site or any development commenced in any phase, until the developer has erected tree protective fencing around all trees or shrubs shown to be retained, as shown in the Arboricultural Impact Assessment, received 23 December 2024, in accordance with a plan and details that shall previously have been submitted to and approved in writing by the Local Planning Authority. These details hall be produced in accordance with BS 5837:2012 - Trees in Relation to Design, demolition and

construction. The developer shall maintain such fences to the satisfaction of the Local Planning Authority until all development the subject of this permission is completed. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority. No materials shall be stored within the fenced area, nor shall trenches for service runs or any other excavations take place within the fenced area except by written permission of the Local Planning Authority. Where such permission is granted, soil shall be removed manually, without powered equipment.

Reason for pre-commencement condition - To ensure the protection of the trees during the carrying out of the development. This information is required before development commences to protect trees during all stages of the construction process.

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

1. A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: In the interests of protecting human health and the natural environment and to ensure that the development does not contribute to, and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line with paragraph 187 of the National Planning Policy Framework.

12) No development shall take place within a phase until a written scheme of archaeological work for that phase has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. This information is required before development commences in any phase to ensure that historic remains are not damaged during the construction process.

13) Pre-commencement condition: Unless otherwise agreed in writing by the Local Planning Authority, the development hereby approved shall achieve a BREEAM excellent standard (70% score) as a minimum. Prior to commencement of development of any relevant building, the developer shall submit to the Local Planning Authority a BREEAM design (interim) stage assessment report, to be written by a licensed BREEAM assessor, which shall set out the BREEAM score expected to be achieved by the building and the equivalent BREEAM standard to which the score relates. Where this does not meet the BREEAM minimum standard required, the developer shall provide, prior to the commencement of development of the building, details of what changes will be made to the building to achieve the minimum standard for the approval of the Local Planning Authority to be given in writing. The relevant buildings must be completed fully in accordance with any approval(s) given. A BREEAM post completion report of the relevant buildings is to be carried out by a licensed BREEAM assessor within three months of substantial completion of the buildings and shall set out the BREEAM score achieved by the relevant building and the equivalent BREEAM standard to which such score relates.

Reason for pre commencement condition: To ensure that the proposal complies with Policy CP15 of Council's Adopted Core Strategy and in the interests of delivering sustainable development. The design stage assessment must be completed prior to commencement of development because the findings may influence the design for all stages of construction.

14) Prior to the first occupation or first use of any part of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP), shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be prepared in accordance with the specifications in clause 11.1 of BS 42020:2013 (or any superseding British Standard) and shall include all recommended enhancement and mitigation measures in the EcIA, and the following:

a) Description and evaluation of features to be managed.
b) Ecological trends and constraints on site that might influence management.
c) Aims and objectives of management.

d) Appropriate management options for achieving aims and objectives.
e) Prescriptions for management actions.
f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
g) Details of the body or organisation responsible for implementation of the plan.
h) On-going monitoring and remedial measures for biodiversity features included in the LEMP.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery.

All post-construction site management shall be undertaken in accordance with the LEMP.

Reason: In the interests of biodiversity and good design in accordance with Policy CP16 of the Core Strategy, Policies LS4 and DG1 of the Local Plan First Review and paragraphs 58, 109 and 118 of the NPPF.

15) Prior to any work commencing on site the detailed design of all the structures including finished floor levels (FFLs), void spaces and water sensitive equipment shall be submitted to and approved in writing by the LPA. The current minimum design level for the FFLs is 7.04mAOD or higher, but this must be revised using updated flood risk modelling (and accompanying Flood Risk Assessment) if there are any significant changes in planning, technical or climate change allowance guidance.

The approved levels shall be implemented before the development comes into use and shall be maintained over the lifetime of the development.

Reason: To ensure that the proposed development is safe from flooding.

16) The development hereby permitted shall not be commenced until the detailed design of the building's void spaces (as set out in the Flood Risk Assessment ref. V1 08/05/2025) and outer security fencing has been submitted to and approved in writing by the LPA. The fencing shall be of a vertical bar style and not mesh or trellis design. The fencing shall be implemented as agreed before the development comes into use.

Reason: To ensure that the proposed development is safe from flooding and does not increase flood risks to third parties.

17) Prior to or as part of the Reserved Matters, the following information shall be submitted to and approved in writing by the Local Planning Authority:

(a) A detailed drainage design based upon the approved Exeter Energy Centre Drainage Design Statement (Report Ref. 1620016720-RAM-XX-XX-RP-C-00001, Rev. R01, dated 7th May 2025).
(b) Detailed proposals for the management of surface water and silt run-off from the site during construction of the development hereby permitted.
(c) Proposals for the adoption and maintenance of the permanent surface water drainage system.
(d) A plan indicating how exceedance flows will be safely managed at the site.

No building hereby permitted shall be occupied until the works have been approved and implemented in accordance with the details under (a) - (d) above.

Reason: The above conditions are required to ensure the proposed surface water drainage system will operate effectively and will not cause an increase in flood risk either on the site, adjacent land or downstream in line with SuDS for Devon Guidance (2017) and national policies, including NPPF and PPG, and in the interests of protecting the safety of the operational railway.. The conditions should be pre-commencement since it is essential that the proposed surface water drainage system is shown to be feasible before works begin to avoid redesign / unnecessary delays during construction when site layout is fixed.

18) No construction within any phase of the development shall take place until an External Materials Schedule for that phase has been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing samples of the external materials it is intended to use externally in the construction of the development shall be submitted to the Local Planning Authority. No external finishing material shall be used until the Local Planning Authority has confirmed in writing that its use is acceptable. Thereafter the materials used in the construction of the development shall correspond with the approved materials in all respects.

Reason: To ensure that the final materials conform with the application.

19) All external lighting shall only be installed in accordance with a Lighting Strategy that has previously been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of visual amenity, highway safety and the protection of the natural environment.

20) No part of the development hereby approved shall be occupied or brought into use until a Section 278 agreement pursuant to all highways works within the application boundary including at Water Lane, and Clapperbrook Lane East has been entered it to.

Reason: In the interest of highway safety and encouraging sustainable travel.

21) The development hereby approved shall not be brought into use until the secure cycle parking facilities for visitors have been provided in accordance with the approved details. Thereafter the said cycle parking facilities shall be kept free of obstruction and retained for that purpose at all times.

Reason: To ensure that cycle parking is provided, in accordance with Exeter Local Plan Policy T3 and Water Lane Design Code SPD Code A12.

22) Car parking and hardstanding on site shall only be provided in accordance with the approved plans, as modified by the other conditions of this consent. The site shall be managed to prevent the use of the site for additional formal or informal vehicular parking.

Reason: To ensure car parking is delivered in accordance with the application documents and the Liveable Water Lane Design Code SPD Code A08.

23) The use hereby permitted shall not be commenced until a detailed flood evacuation plan for site personnel (based upon ADEPT guidance) and a comprehensive Continuity of Operations Plan (COOP) to ensure the uninterrupted provision of essential services during flood events has been submitted to and approved in writing by the LPA. These plans need to demonstrate the Energy Centre's resilience and operational reliability under flood conditions, and that staff can safely evacuate the premises with the available flood warnings.

Reason: To ensure the essential service remains in operation during flood conditions, and staff are safe.

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

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

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

Reason: In the interests of protecting human health and the natural environment and to ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by unacceptable levels of pollution from previously

unidentified contamination sources at the development site. This is in line with paragraph 187 of the National Planning Policy Framework.

26) In the event of failure of any trees or shrubs, planted in accordance with any landscaping scheme approved by the Local Planning Authority or retained during development, to become established or to prosper for a period of five years from the date of the completion of implementation of that scheme, such trees or shrubs shall be replaced with such live specimens of such species of such size and in such number as may be approved by the Local Planning Authority.

Reason: To safeguard the rights of control by the Local Planning Authority in these respects and in the interests of amenity.

27) Prior to commencement of development a revised noise assessment shall be submitted to the Local Planning Authority for approval. The noise assessment shall be based on final plant selections and include impact assessment of low frequency noise at habitable spaces of representative nearby residential sensitive receptors. The assessment of low frequency sounds shall adopt the NANR-45 methodology, i.e. the predicted internal noise levels shall be assessed against the NANR-45 criterion curve.

Reason: To protect people living and/or working nearby from noise which may arise from the development.

Reason: To safeguard the control by the Local Planning Authority in these respects in the interests of amenity.

28) No part or phase of the development hereby approved shall be carried out other than in accordance with a Site Waste Management Plan, which has been submitted to and approved in writing by the Local Planning Authority prior to the commencement of the phase or part of development to which it relates.

Reason: To minimise the amount of waste produced and promote sustainable methods of waste management in accordance with Policy W4 of the Devon Waste Plan and the Waste Management and Infrastructure Supplementary Planning Document. These details are required pre-commencement as specified to ensure that building operations are carried out in a sustainable manner.

29) At such time that the site ceases to be used for the generation, storage or transportation of thermal energy, the buildings, plant and machinery, hardstanding, fencing, and associated development shall be removed from the site. Within two years of the date of the cessation of use the site shall have been reinstated to its current green field state, or such other landscaped condition as has been agreed in writing by the Local Planning Authority.

Reason: To ensure the greenfield site is only used for the approved development and is restored afterwards.

Informatives

1) The requirement for this area of land to operate as a flood conveyance area will need to be written in to the management agreement/land deeds.

2) We note that the proposal does not currently include any abstraction or discharge to the main river. We wish to make the applicant aware that if this were to change, an abstraction licence and discharge permit may be required for the proposal. We have a pre-application process for Environmental Permits which can be viewed at: Get advice before you apply for an environmental permit - GOV.UK

A Flood Risk Activity Permit will also need to be obtained for any activities which will take place:

- on or within 8 metres of a main river (16 metres if tidal)
- on or within 8 metres of a flood defence structure or culvert (16 metres if tidal)

For further guidance please visit https://www.gov.uk/guidance/flood-risk-activities-environmental-permits

A permit is separate to and in addition to any planning permission granted. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted.

3) In accordance with the Conservation of Habitats and Species Regulations 2017, this development has been screened in respect of the need for an Appropriate Assessment (AA) and given the nature and scale of the development it has been concluded that the proposal does not require an AA.

4) All bats and their roosts are fully protected under the Conservation of Habitats and Species Regulations 2017 and Wildlife and Countryside Act 1981 (as amended). No evidence of roosting bats was identified during the bat survey; however, if bats are discovered during the proposed works, then sheltering materials should be replaced around the bat and works within the immediate vicinity stopped until advice is sought from Natural England or a licensed bat worker. Bats should not be handled without a licence, but if a bat is injured or in imminent danger it can at the discretion of the on-site personnel, be placed in a small breathable container before the advice is sought; however, bats should not be handled without thick gloves to protect from bites, scratches and saliva as bats can carry disease. Please also see https://www.gov.uk/government/publications/rabies-risks-from-bat-bitesrabies.

5) In accordance with Paragraph 39 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

6) Biodiversity Net Gain. The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition") that development may not begin unless:
(a) a Biodiversity Gain Plan has been submitted to the planning authority, and
(b) the planning authority has approved the plan.
The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Exeter City Council.
There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.
Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.
Read more about Biodiversity Net Gain at Biodiversity Net Gain - Environment (devon.gov.uk)

7) There is potential for aerial dropped ordnance from WW2 to be present on the site. The applicant should undertake a study to determine the risk posed by Unexploded Ordinance with development carried out in accordance with any recommendations.

8) A legal agreement under Section 106 of the Town and Country Planning Act 1990 relates to this planning permission.

Alternative Recommendation:

B) DELEGATE TO THE HEAD OF CITY DEVELOPMENT TO REFUSE PERMISSION IF THE LEGAL AGREEMENT UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) IS NOT COMPLETED WITHIN (6 MONTHS FROM THE DATE OF COMMITTEE OR SUCH EXTENDED TIME AS AGREED IN WRITING BY THE SERVICE LEAD (CITY DEVELOPMENT) AS THE DEVELOPMENT WOULD BE UNACCEPTABLE IN THE ABSENCE OF THE MATTERS LISTED BEING SECURED.