Environment Agency comments on Reg 18 Torbay Plan v1.
12/2/26

Overall the Environment Agency considers that the draft Plan has sought to balance the conflicting pressures of development and the environment. Many environmental considerations and themes have been well woven into the Plan and its policies, such as climate change, surface water drainage issues, water, and the Local Nature Recovery Strategy (LNRS.)

However, at this stage we are unable to support the Plan due to the incomplete evidence base. As acknowledged by the Council, the Strategic Flood Risk Assessment is required to inform the spatial strategy and site selection for the Local Plan as part of the evidence base. Overall, both Local Plan and WCS will require revision to reflect the findings of the completed SFRA and the application of appropriate climate change allowances.

In the absence of a completed SFRA, the Environment Agency cannot be satisfied that the proposed allocations and growth areas will be safe for their lifetime will not increase flood risk elsewhere or are in the lowest available flood risk areas as required by NPPF.

Once the SFRA has been completed and the remaining site allocations have been sequentially tested assessed for coastal erosion potential, we will need to review evidence and provide further comments.

Once the SFRA is complete, we expect that following elements of the Local Plan will be updated:

- The overall spatial strategy
- Strategic growth areas and town centre regeneration policies particularly for Paignton, Collaton St Mary and Brixham
- The Housing Strategy
- Allocated Sites
- The Water Cycle Assessment
- Possibly the Flood policies

In addition, and as detailed further towards the end of this document, we are concerned that although, overall the Water Cycle Study has been well prepared and we welcome its incorporation into the evidence base at this relatively early stage in the Plan-making process, its findings are not translated fully into policy and without a clear identification of projects/s for offsetting additional surface water to the combined sewer system, we are not satisfied water quality will not be harmed by the proposed growth.

We consider that the issues raised above are likely able to be overcome with additional evidence, exploration of mitigation options and the completion of an adequate SFRA to inform the next iteration of the Plan.

The following sets out specific comments on areas of the Plan, followed by comments on the Water Cycle Study and Sustainability Appraisal.

Comments on individual sections of the Plan:

Chapter	Policy	Para	Wording	Comment/change
1	Strat Priority 4	1.51		There is no bulleted objective relating to the environment. There should be one around enhancing the fresh and marine water environment
1		1.60	'At present, infrastructure 'pinch points', such as shared sewers in the town centres, the need for better resilience to climate change,'	We welcome the inclusion and recognition of this
1		1.60	'…water management and Green Infrastructure proposals… '	Please add in Green AND BLUE Infrastructure
1		1.61	'it is not thought that there are likely to be other infrastructure "show stoppers" in terms of water or power availability'	Please see later comments regarding our position on Water resources
1		1.63	The council will set these out in its Authorities Monitoring Report Adopted Local Plan (2012–2030) Evidence Base and Monitoring	Does this not need a 2025-2045 monitoring report and evidence?
2		2.1	'supported by high quality infrastructure… .	Without an IDP to review as part of this it is not clear what infrastructure will support the planned growth and what the infrastructure capacity is

			This will be achieved within the Bay's built and natural environmental and infrastructure capacity.'	
		2.2 (plus policies ER2 and W5)		The plan indicates ~1900 houses will be built as part of regeneration across Torquay, Paignton and Brixham (Table 2 Potential Broad Sources of Housing). Our concern is that these areas are largely served by a combined sewer system. Will the regeneration in these areas practicably allow for ground infiltration, SUDs and other measures to prevent surface water infiltration? Given the lack of other options as you move down the drainage hierarchy, we can see that connection to the combined sewer network at greenfield discharge rates will be likely. This will require careful planning and engagement with South West Water. As mentioned in the Water Cycle Study (p31), South West Water will be delivering improvement schemes to some of their CSOs in the Torbay area over the current WINEP period (AMP8; 2025-2030) We would hope that early and ongoing engagement with SWW will be conducted not just by developers but by the Council as well. https://www.southwestwater.co.uk/siteassets/documents/about-us/get-involved/roadshows/torbay-roadshow-boards---12th-january-2024.pdf WINEP dataset: https://environment.data.gov.uk/dataset/39b11ea0-3cfa-4cbb-b3a1-b5950019f169
	SS1			Somewhere this needs to mention the delivery of timely required infrastructure to support growth, and ideally link to the IDP when it is done

3	HS		All development should achieve the following…	Please replace ‘should’ with ‘must’
3	HS		‘iv) Resilience to extreme weather events and incorporation of sustainable drainage and climate resilience measures’	We welcome the inclusion of this in the strategic policy
3		3.2	‘NPPF will be applied it urban brownfield’	‘to’ Not it?
3		3.2 (1)	‘Harm to *Habitats sites, irreplaceable habitats’	*Add ‘protected species’
3		3.2 (1)	‘or flooding, * and coastal change matters’	*add ‘drainage’
3		3.13	‘Note also that the General Permitted Development Order defines major development…’	Majors etc are defined by The Town and Country Planning (Development Management Procedure) (England) Order 2010
3		3.19	…However, development should avoid sleeping accommodation on ground …	Please change ‘should’ to ‘must’
3		3.20		Delete ‘where possible’ from the last line
3	H5		no net increase into the sewer so will need to retrofit with surface water items/attenuation to make room for the	Add an 8th bullet

			increase in waste water	
3	H10		no net increase into the sewer so will need to retrofit with Surface water items/attenuation to make room for the increase in waste water	As per H5 above, please add extra bullet with wording
3	H13	Bullet 5	'Sites should be provided with an appropriate level of essential services including access to drinking water, refuse collection and sewage disposal'	We welcome this
4	TO5	Add bullet 7		Suitable waste water treatment is provided to ensure no detrimental impacts on water quality alone or cumulatively
4	TO6	Add bullet 5		Suitable waste water treatment is provided to ensure no detrimental impacts on water quality alone or cumulatively
6	Table 13	EVCP	'of at least one active EV charging point'	Do you wish to specify at this point the spec of this EVCP?
6	Table 13	EVCP	An expected ratio of 20% 'active EVC' is expected on minor residential development and 50% on major residential development	This seems low. Where there are no off street spaces communal on-street space for EVCP should be provided for and every property with on-plot parking should have an EVCP
7	INS	Para 1	A range of physical, social	Please amend to 'green and blue'

			and green infrastructure	
7	INS	Para 2	Development must be supported by provision of infrastructure	Please amend to the provision of 'timely' infrastructure
7	INS		'Where necessary, development will be phased to ensure it comes forward at the same time as, or following, the provision of infrastructure'	We support this. Would suggest intimating what may make this necessary though, for example 'where necessary for environmental protection, public safety or similar…'
7	INS		The infrastructure needs arising from a development will either need to be met onsite through provisions made directly as an integral part of the development. Where appropriate, this will be regulated through planning condition or legal agreement. The council's preferred means of achieving this will <u>usually</u> be for on-site infrastructure'	The end of the sentence seems to be missing, either on site……or off -site Please add in 'usually' be for on site. Sewage treatment for example the preference is mains off site and similarly nature based solutions etc may be off site
7		7.1	The Local transport Plan, Local Cycling	We need to see the IDP to see wastewater, drinking water and flood items

			Walking Infrastructure Plan, Bus Service Investment Plan and green Infrastructure Plan also set out green infrastructure needs.	
7		7.3		Cross-boundary infrastructure, this should refer to water resource capture and treatment if likely to be from outside Torbay
7		7.6		The EA thoroughly support this last paragraph
7	IN1	1	'The provision of critical infrastructure, e.g. flood defence works, highway safety and/or ecological/environmental improvements'	We would ask that water and sewer capacity be added to this example list please
7		7.8		We support his as a hook for potential contributions towards water quality improvements such as strategic surface water works and combined sewer improvements
7		7.10		We support the inclusion and prioritisation of sustainable drainage and sewer capacity here.
7		7.16		Any such whole plan viability assessment must factor in offsite contributions to a sewer capacity project so it is considered in the study and therefore provides certainty and is reflected in land prices
8		8.1	'Ensuring that our residents and businesses are able to cope with a changing climate'	'adapt to' rather than 'cope'
8		8.2	Devonmay	Space needed

8		8.5	'With less reliant on imported energy'	Should be reliance
8	CERS		'Proportionate to the scale and type of development, all development proposals will be required to be ~~designed to be~~ resilient to climate change and minimise carbon dioxide and wider greenhouse gas emissions'	Remove 'designed to be' to strengthen the policy requirment
8	CERS	a		Green 'and blue' infrastructure please add in blue
8	CERS	d	Fabric first	Should the origin of materials and their resultant carbon footprint also be mentioned here?
8	CERS	f	Water efficiency	This is very welcomed although the building regulations consultation is currently 105 l/p/d so this may be adjusting over the Plan writing to reflect the building regs outcome.
8	CERS	g		We support the inclusion of this point
8	CERS		Proposals ~~should~~ submit an Energy and Climate Change Statement	'will be required to' strengthens and adds clarity
8	CERS	8.12	Green and blue	Please dd 'and blue' infrastructure
		8.16	'The effects of climate change ~~may increase~~ the pressure on water resources. Torbay already faces hose pipe bans during times of	'have increased' This italicised section is true and realistic but totally at odds with the assumptions being made around reducing water use to justify/minimise the expected impact of growth elsewhere in the plan.

			low water availability. *Warmer summers are likely to increase water consumption and reduce available supply'*	
8		8.17	'has ~~the dual~~ benefits of reducing bills *reducing the amount of water flowing into the sewer system, thereby helping to **reduce flood risk.	'multiple' Insert: * whilst also reducing the need to extract and treat water from the environment and ** protect the environment, reduce carbon production and
8	ER1	**Flood Risk and Safe Development**		
8	ER1	Sequential approach		Support the strong policy link requiring use of NPPF sequential test and steering to lowest risk areas. Explicitly applies to access and egress, not just buildings. However acknowledgment there is insufficient FZ1 land could weaken the sequential argument. Consider revisiting the wording in this section.
8	ER1	Climate change		We support the explicit reference to government climate projections and Met Office data. Clear expectation that climate change is used in all FRAs. However consider consider rewording along the lines of: 'Flood Risk Assessments must apply the latest Environment Agency climate change allowances for fluvial, tidal and surface water flooding relevant to the site location and lifetime of development.'

8	ER1	CDA Designation		Welcome the powerful justification for requiring FRAs for all development. Makes surface water risk a material consideration even in FZ1.
8	ER1	SuDS and WSUD		Welcome very strong emphasis on natural drainage, attenuation and water storage. Wording supports refusal where runoff is not reduced.
8	ER1	Combined sewer protection		Welcome the clear link between flood risk and CSOs, good integration of sewer flooding into flood risk policy.
8	ER1	Safe access, egress and refuge		Welcome explicit recognition that floor levels alone are not enough. Support challenge to unsafe refuge strategies. We suggest it could add details that will be required for planners to make the assessment
8	ER1	Existing flood defences		Welcome requirement to consider long-term defence maintenance and future performance.
8	ER1	Functional floodplain improvements		Very strong policy promoting culvert opening, floodplain restoration and nature-based solutions. Query whether progress on this be measured? And water course improvements?
8	ER1	Para 1	Areas subject to flood risk[1] are **indicatively** shown on the Policies Map. **Definitive updated areas are available on the EA flood maps for planning**	Please add the bold sections in as flood areas change over the life of a plan and it is not clear what data has informed the Plan flood map.
8	ER1		Development ~~will~~ not increase or exacerbate flood risk elsewhere	‘must not increase’ Please insert *(including an allowance for climate change)

			*and will reduce flood risk to the application site and its surroundings. Where development is **necessary in areas at risk of flooding, it should be laid out and designed to ensure buildings and their surroundings are appropriately resistant and resilient to all forms of flooding, would be safe and would not increase the risk of flooding to third parties.	**demonstrated as being
8	ER1		'prevent increased discharge from Ilsham Combined Sewer Outfall (CSO) during flood events…'	Would advise this just says CSOs in generally given that as yet we do not know what issues are coming from the others as the current study is incomplete? We do not want any CSO spills increasing, and there will be a requirement for them to decrease dramatically with the Environmental Improvement Plan
			Development of basement accommodation, including changes of use or basement parking will not be permitted in flood zones 2 or 3 (including	We welcome this blanket approach but suggest this rewording for clarity

			climate change).	
			Development must not result in reduction in access to watercourses, or flood defence assets, for maintenance, clearance, repair or replacement.	We welcome this blanket approach but suggest this rewording for clarity
			Proposals which provide functional improvements to a floodplain, open up culverts or restore the natural characteristics of catchments will be promoted and encouraged, particularly where this reduces flood risk, improves water quality, maintains water resources, enhances biodiversity, or produces other benefits, such as improved amenity or provision for recreation.	Please include support for proposals which slow the flow to combined sewers or reduce the surface water flow to the sewers
8		8.54	'development considers flood risk.'	Suggest change 'considers' to 'addresses' please for stronger wording

8		8.66		This is not as strong as the WCS. That states no new dev elopement should be putting surface water into the combined system
8		8.67		Suggest reference to alignment with the SMP actions for that epoch
8		8.68	'Particular care will need to be taken with proposals to provide new basement accommodatio n or underground car parking'	We do not support this. It is totally at odds with the policy higher up which says no basement accommodation
8		8.69	FRA will be requested	Please change requested to 'required' This paragraph should lead at the beginning of this explanation, not the end.
8	ER2		Minimise the generation of sw	'minimise and slow'
8		iv)	iv) As the last resort, where the above drainage solutions have been fully investigated and robust evidence provided to justify why they cannot be utilised, development may be permitted to discharge water to a combined (foul and surface water) sewer, where discharge is controlled to be at greenfield	We should be improving the situation with the combined sewers and water quality so giving this option is not in alignment with the finding of the WCS and capacity study recommendations. SW should either just be a 'no' to combined sewers, or at the least state it is the absolute exception and it must be less than current rate of run-off, slowed and reduced as far as possible and mitigation provided elsewhere to strip out the same amount from another site/NBS etc.or money to reduce run off somewhere else like a council building or an identified strategic project on sw drainage such as the Fleet/Ilsham valley?

			discharge rates.	
8	ER2			Mentions HRA and impact on SSSI but needs to address WQ in general and also bathing and shellfish waters
8	ER2		Appropriate mitigation measures will be required, such as a planning contribution towards strategic sustainable drainage improvements to reduce pressure on the sewer system to ensure no likely significant effect on the SAC.	RE HRA it mentions a project contribution (as mentioned above) but it needs to be more specific and identify a receptor project
8	ER2		all development proposals must submit detailed drainage arrangements at the * application stage.	*initial
8	ER2		‘Development may need to be phased in accordance with the provision of adequate water-related infrastructure and a financial contribution, or works in kind, may be required in order for	We support this

			development to proceed. This would include funding to ensure the provision of any necessary additional surface water management schemes'	
8	ER2		Explanation for ER2 should also reference the CDA and its drainage hierarchy	
8		8.71 and 8.72		These discuss without adequate explanation that 300/yr is not what this plan is proposing, and that the growth rate being discussed at 300p.a. is 50% less than the Plan proposal. Shellfish waters are absent from this (specifically Brixham shellfish water area) and only the Marine SAC mentioned, 'the wider aquatic environment' is also at risk of increased CSO spills
8		8.74	In accordance with advice from SWW * proposals seeking to discharge surface water into combined sewers will be subject to increased scrutiny	and the WCS, this scenario should be the absolute exception, with mitigation and this should be very clear in policy
8		8.75		Assuming the text refers to overflow events from the combined sewers rather than the number of Combined Sewer Overflows as assets? This needs to be amended/clarified please, as the latter would not be permissible.
8		8.77	However, where proposals are reliant upon	This is playing down the result. Please replace risk with 'likelihood'

			discharge to the combined sewer system, posing a ~~risk~~ of increased spills	
8		8.79	'should demonstrate'	Please change to 'must demonstrate'
8	ER3 – water manag e-ment	1		We welcome this policy and support it Suggest SuDS specifically mentioned as a WSUD her and the inclusion of a bullet to ensure its linked and that ER4 clearly 'bites' on all development
8	ER3	3		Needs to be monitored and updated later in the plan period if Building regs alters
8	ER3	5		Alter to 'development must avoid harm to surface waters…'
8		8.82	EA and SWW efficiency evidence	We are pleased to see this included and used as evidence. It is likely this document will be reviewed and updated later this year , we will provide the updated version to you if this is the case.
8		8.86	'Better use of existing infrastructure and water efficiency will be as important as new sewerage infrastructure in ensuring a sustainable future'	We endorse this comment. We advise this paragraph specifically references the use of Grampian conditions to ensure phased and timely infrastructure development to serve growth.
8	ER4			Welcome this policy and content in principle, however at present it doesn't state clearly which developments must incorporate suds (or all of them?) and demonstrate ER4 unless ER3 has a bullet added to states this?
8	ER4		'A financial contribution may be requested for capital improvement works to the existing	We welcome this hook and this solution in principle, but it is not very clear as to when this may apply and may be too uncertain for applicants and for inclusion in viability studies to ascertain land prices. Suggest this is linked to the IDP when it is written.

			drainage infrastructure.'	
8	ER4		'where urban areas are being regenerated the retrofitting of water sensitive urban design ~~is a high priority~~'	Suggest this is altered to 'must be demonstrated' for clarity and more 'teeth'.
8	ER5	Point 2	'risk to health'	Change to 'risk to receptors' as this may not always be about human health, could be the environment etc
8	ER5	Point 3	'Removal of contamination …*'	Just a comment that it may be prudent to add '*where otherwise unviable and…' As known remediation contamination should be factored into dev viability/land values and not be incumbent on the council unless scheme is unviable without support perhaps.
8		8.92	'Site investigation reports and recommendations for remedial, preventative or precautionary measures must be submitted with major planning applications.'	'Only major applications? Or a phase 1 anything with a history suggesting contamination?'
8	ER6		proposals must take the following considerations into account	Should this read that such proposals must be accompanied by appropriate land stability reports' etc? and 'agreed by the council' should perhaps be 'and stabilisation measures approved by the Council' ?
			Developers will need to demonstrate that any identified or suspected ground instability can	*Proposals to be considered acceptable

			be satisfactorily overcome in order for *~~development to proceed~~	
			Coastal change management zone	
8	ER7			Please also see notes re CCMA and allocations comments later in this document. i where there is uncertainty about the rate of erosion or flooding that could cause loss is also noted that a significant proportion of Torbay's waste water infrastructure is located within the CCMA, such as rising mains. We suggest this compounds the Waste water related risk in the district and that this section of the Plan or the Infrastructure section and IDP needs to consider this issue.
8	ER7	Para 1	Permanent new residential development…	Does this mean permanent as in the structure or the occupancy or the seasonality? This needs to be clear please. Also there appear to be allocated sites in the Plan which are at odds with this policy and are partly or wholly within the CCMA
8	ER7		'will be limited to the following ~~uses~~:	Suggest removing the word uses, it doesn't flow into the bullets properly
8	ER7		Bullet b	It is not clear what the intention of this bullet is? Do both Less Vulnerable and Water Compatible uses have to be tourism related or only the WC ones? It is not clear Also we assume the LV and WC classification here are referring tot the flood risk related definitions? In which case the way this bullet is currently worded the policy would allow the change of use from a vacant building

				on a clifftop to a 'LV' use which could include an ambulance station or waste water treatment works not required in times of flood or an agricultural building or car park National Planning Policy Framework - Annex 3: Flood risk vulnerability classification - Guidance - … We are not sure that this is the intention of the policy and as such suggest revisiting and rewording this.
8	ER7	Bullet c	'which has to be sited within the CCMA…'	Change to 'which requires a coastal location'
8	ER7	b	Change of use for	Should read change of use 'to'
8	ER7	d	Which increases resilience to flood risk*	Please insert '*and coastal change'
8	ER7	e	Temporary? As in seasonal?	If this means like beach huts etc then there needs to be mention of securing them so they can not be mobilised in a storm event
8	ER7	f		Water compatible is only acceptable where the CCMA risk is inundation, not coastal erosion
8	ER7	i)	Risk to life or significant increase in risk to properly	Suggest 'significant is removed' . Significant increase is difficult to quantify and ideally no increase in risk is desired
8	ER7	(i)	'unit in the current Shoreline Management Plan '	Change to 'the shoreline management plan current a the time of determination' Should this say later that decisions will be taken in line with the SMP or the use of the site as set out in the SMP?
		(iii)	where there is uncertainty about the rate of erosion or flooding that could cause loss	Add in '…rate of erosions or extent of flooding…
8	ER7			We suggest this policy includes mention of the possible use of

				temporary permissions where appropriate to allow commerce/ adaptation etc to continue but not into a period of risk
8		8.94	‘CCMAs are not necessary where the Shoreline Management Plan policy is to ‘hold the line’ and can be maintained over the plan's lifetime.’	We advise this be removed please as it is not correct.
8	ER7	8.95	…located in a flood risk area * or operational reasons	Please insert *or CCMA
9	LS			Please add ‘ and blue’ to all references to green infrastructure
9	L			Perhaps mention of climate resilient landscaping, this is an urban area so non-natives may be appropriate and will minimise need for watering etc going forward, we wouldn’t support don’t want high water usage planting. .
9	L3	Add a bullet 4?		A bullet allowing coastal change development such as defences or managed retreat etc
9	L5			Suggest ULPAs and LGS gave a nod in the supporting text to the approval of their use to accommodate blue infrastructure esp where it supports sustainable surface water drainage features
9	TH1		New trees must maximise their potential to provide climate resilience, including surface water attenuation, through measures such as tree pits	We welcome this

			which are fully integrated to SuDS schemes.	
9	TH1		Measures to protect retained trees, hedges *and woodland must be in place before	Add ‘ other landscape features (waterways/ponds etc)’
9		9.38		We support bullet points 2 and 3
9		Table 15 Lyme Bay and Torbay Marine SAC	Point 1 - minimise the generation of run off and reduce SW entering the combined sewer	We defer to Natural England on this section of the Plan, however would again comment that the WCS and capacity study suggest no surface water should be going to the cs. Also this sentence I the plan at present isn’t clear whether it means reduce as in minimise additional or reduce as in from the current, pre-development level of run off.
9		9.58	‘of damage’	This phrase is repeated in error
9	NC1	Part 2 bullet 3	Suitable avoidance, mitigation and compensation measures are proposed * in accordance with the mitigation hierarch	*and can be secured,
9	NC2		List of enhancement provisions	Suggest hedgehog holes to boundaries as bullet ‘d’
9		9.79		Link to LNRS is welcomed
9	GIS	Bullet a	such as flood risk, * health, biodiversity) and most effectively benefits the wider area should be incorporated. **	*surface water drainage ** Daylighting of any existing culverted watercourses should be incorporated
9	GIS	Bullet b	climate change mitigation/adaptation, flood	* surface water drainage,

			risk mitigation, physical and mental health	
10	HE3			Energy efficiency and climate resilience support welcomed and supported
11	DE3	11.15		Garden reference to aiding with flood risk, drainage and biodiversity is supported here
11	DE5	Bullet 3		Suggest adding compromising of an existing soakaway' into the list
11	DE5	Bullet 6		Suggest 'combined sewers' instead of shared. Shared suggests ownership rather than surface and foul
12 Waste and Minerals				Overall the EA supports the Plan's waste strategy, it covers everything we would expect and has anticipated issues which may arise over the plan period and how these can be managed.
12	W2	Bullet 1	retain and repurpose existing structures where possible	This is repeated here in error
12	W2			Suggest the explanation ends with 'Waste permits will also need to be secured where applicable'
12	W4	Para 2		This is a long sentence with lots of brackets, some open without closing. Suggest reworded.
12	W4	Last sentence		Change to 'Provision for restoration and after use will be required'. Restoration is always required.
12	W5			This policy is supported but feels like it should sit or be echoed in the housing or infrastructure sections of the Plan rather than the waste and minerals section.
12		12.12		Not clear when this is 'appropriate' this should be the exception. Explanation of natural system, we don't support private works as a general rule.
Minerals				
12	MS	Last sentence		Please amend 'should' to must be restored

12	M1	Last sentence	An acceptable programme of progressive working throughout its life, early restoration and after-use ~~should be submitted~~	Propose altering to 'must accompany all proposals'
	M1	Bullet 3	'Impact on the surface water flow regime and groundwater sources'	– Could this criteria be reworded to 'The sustainability of the impact on the surface water flow regime and groundwater sources under current and future climate change scenarios' please as at the moment, there is no caveat to indicate that an impact could be unacceptable such as there is for other criteria.
12	M3		Should demonstrate that…	Please change should to must
12		12.23	The use of local materials, building methods and details helps to enhance local distinctiveness *	Suggest adding *as well as avoid the carbon footprint of importation
		BESS		Should the Plan include a policy on Battery Energy Storage and what the LPA will require of these? especially regarding surface water in the event of a fire and environmental protection?

<u>Policies ER1, ER2, and ER4</u>

In addition to the above comments on specific wording in the above 3 policies and their explanatory text, we would also comment as follows; there is some helpful content in relation to the drainage hierarchy, CDA, flood risk and water management, but they (ER1 and ER2 in particular) are quite convoluted and there are some quite large sections of the policy wording which appear to be more supporting text and context than applicable DM policy. Similarly the inclusion of fluvial, surface and coastal flood sources in both flood policies has made them harder to apply and to

distinguish what requirements are applicable to which types of development in which flood risk type areas. We would strongly suggest separating these out into a surface water flood policy and a fluvial and coastal flood policy (or even one for each) so that it is explicit to the public, developers and DM officers which requirements apply to which types of developments in which flood areas and then the solutions and hierarchies for them can then be better contained within their specific policies.

There is also a lot of flood terminology overlap between the above polkicies and ER7 on CCMAs and given this includes areas of permanent flood inundation then the 4 policies should ideally be looked at and re-worked together to ensure they work together to clearly achieve your ambitions

We would invite you to review these 4 policies with us under our cost recovery pre-application service in order that the technical content and policy ambitions can be supported by us in advance of your next Reg 19 or consultation stage. We could undertake this alongside consideration of the scope of, and final, SFRA once complete.

Water Cycle Study

Specific WCS comments:

Chapter	para	WCS extract	EA comment
1			Section could benefit from explicit statement that flood risk conclusions are high level and are pending completion of the SFRA.
2.2.3	**1**	*"Places a duty on water companies to secure a reduction in adverse impacts of discharges from storm overflows on the environment; growth proposed in Local Plans significantly influences how these reductions can be achieved."* *"Drainage and Wastewater Management Plans."*	Welcome reference to the Env Act and the future impacts on water companies and the interaction with growth and Plans. Also welcome reference to the DWMP

3.1	**1**	*"The WCS area is based on the administrative boundary of Torbay as displayed in Appendix C Figure 1."*	Should the WCS consider the catchment, not just the administrative boundary?
4			The baseline is focused on water quality and WFD purposes but would benefit from a stronger link between baseline and flood mechanisms/ flood behaviour. This would improve clarity.
4.2.3	**5**	*"Teign, Avon, Dart and Erme Water Body has 'Poor' chemical status, however the RNAG do not list the water industry as a cause."*	What are the Reasns for not achieving good, and if none are water industry it doesn't necessarily preclude it
4.4.1	**2**	*"and other potential sources (such as Clennon Valley and Ilsham Valley CSOs) should now be investigated in more detail"*	Possible CSO impact on industry
5.2	**1**	*"Water companies have a statutory duty to supply water and wastewater services for residential development and therefore input to the planning process."*	This sentence reads like water companies have a statutory duty to input into the planning process, which they do not.
5.2	**5**	*"The PR24 business plans for SWW therefore contain the WSI proposals to be delivered (or commenced) up to 2030 which will be critical to supporting proposed growth within the early part of the new Local Plan."*	Should be noted that SWW business plan came before this Local Plan, i.e. before growth figures or locations were known.
5.2	**6**	*"WCWR published a draft regional plan in January*	Is this the most recent WCWR plan? Is it still only a draft since

		2023 to ensure that there are resilient water resources available"	2023? - the Government housing growth figures have hugely increased since then.
5.2	**1**	*"The next DWMP iteration will be produced as a statutory requirement under section 79 of the Environment Act using updated guidance."*	Can this elaborate on a timeframe for this?
5.3.1	**Table 5-1**	*"These are often known as 'regulated rivers' and may be managed **though** an operating agreement often held by a water company."*	Through?
5.3.2.1	**3 & 4**	*The Environment Agency's mapping of areas of serious water stress in 2021[11] does not show TC to be located in an area of serious water stress.*	The Water stress report is more for use re enforced metering. Whilst Devon is not listed as water stressed there is risk of shortage and drought and as a result the EA and SWW have created the water efficiency briefing note to provide evidence on this.
5.4		Maidencombe & area around Churston served by private septic tanks	Were the impacts of growth on these areas reviewed?
5.4	**1**	*'returns wastewater from housing and non-residential sources <u>safely</u> back to the water environment.'*	May be better just to say that it returns the 'sources back to the water environment'
5.4	**4**	*"the majority of the sewer network across Torbay is made up of combined sewers […] Road runoff may*	Good to highlight early in terms of the quantity of sw in the sewers but also the other sources of pollution

		also drain to combined sewers"	
5.4.1	**5**	*The SWW DWMP[1] identifies existing risks to the Brokenbury WwTW catchment. The Brokenbury WwTW catchment has been assessed to have immediate moderate risks with internal sewer flooding, risk of sewer flooding in a 1 in 10 year event, risk of sewer flooding in a 1 in 50 year event, pollution incidents and storm overflow performance. It has been assessed to have a long term moderate risk of WwTW (numeric) compliance failure. It has been assessed to have no risk for severe pollutions, WwTW (Dry Weather Flow) compliance failure and sewer collapse.*	Does the assessment of these risk levels take into account this planned growth or is it based on a snapshot here and now of the current population only?
5.5			Relatively brief and descriptive section and will probably require information form updated SFRA once it is complete.
	Table 5.2		Helpful overview but relies on qualitative terms such as 'major' and 'large area' without defining scale or severity. There is also inconsistency in how groundwater flood risk is described between settlements. This can be addressed from SFRA once its ready.
Climate change			Climate change allowances are applied to sewers and elsewhere

			in the WCS, but there is no equivalent discussion of climate change impacts on fluvial, tidal or surface water flood risk. This can be addressed once SFRA is ready and relevant details can be added
5.5	**4**	*of nature-based solutions (see Section 5.6) as well as opportunities for integrated water management where development is likely to be delivered through new or expanded settlements.*	Need to specify these projects in the Plan and link to the IDP and possible developer contributions
5.5	**5**	*Strategic growth locations such as Inglewood and Edginswell present the opportunity to reduce flood risk both to strategic new development but also further downstream in the catchment. Targeted measures to reduce manage surface water strategically at large development locations would also contribute to the removal of surface water discharge to the sewer network,*	Is there adequate land allocated at these locations to include NBS and do the policies for these sites say it's a requirement?
5.6	**3**	*The Torbay Green Infrastructure Delivery Plan (IDP)[16] produced in 2011*	Surely out of date now given the growth figures now required and Climate change implications?15 yrs old.
5.6			NBS opportunities are presented in an aspirational way but are not clearly tied to specific flood mechanisms or quantified.

			Urban constraints on NFM are acknowledged, but section would benefit from clear statement of the implications for residual flood risk in heavily urbanised catchments.
6	**1**	- *site allocations to existing wastewater network* - *combined sewer overflows* - *capacity of wastewater treatment facilities (WwTWs)*	Good to see cross reference from the WCA the WCS however needs to be clear when discussing throughout which rate of housing delivery each is based on as they obviously differ
6.1	**2**	*Hydraulic modelling was undertaken to examine the effect of population growth, urban creep, climate change and water efficiency improvements across the Torbay sewer network.*	These may help but in general water use is increasing in the SW, it is not sustainable to rely on a reduction in water use to free space at the WWTW
6.1.1	**4 (a)**	*Existing water consumption modelled as 138 l/h/d. A value of 122 l/h/d was modelled for the 2040 design horizon based on SWW per capita consumption projections. Tourist population consumption rate was assumed to be 100 l/h/d for all epochs.*	How is this large reduction going to be achieved? Is 100l/h/d realistic for tourists given pools and hot tubs
6.1.1	**4 (b)**	*These model simulations only consider tide-locking of the outfalls; wave overtopping of the sea defences has not been considered.*	For consideration after SFRA
6.1.1	**4 (f)**	*Model growth rate of 300 dwellings per year*	This rate is as per the SWW SCA but is less than both the previous

			actual and new rate of delivery per yr.
6.1.3		*Summary of results*	The summary should reiterate that these results reflect 300DPA. It also kind of misses a key conclusion from the Sewer Capacity Assessment: "Significantly more development (for example meeting the government's Standard Methodology target of 600 dwellings per annum) will lead to detriment in the strategic sewer network. Strategic sewers are the core sewer network, through which the majority of flow will pass. The outlying sewer network will have been designed for a specific local area and as such will not necessarily have sufficient spare capacity to take additional development". Given that the WCS considers 450DPA and 950DPA scenarios, it should be a bit more explicitly stated that the SCA has indicated that with 300DPA, there may be impacts without mitigation measures.
6.1.4	**5 (a)**	*Ensure water efficiency measures reduce water consumption in line with predictions*	It is high risk to rely on this, especially as trends and the Local Plan recognise this is not reducing
6.1.4	**5(b)**	*Minimise urban creep and, where creep is identified, ensure mitigation is included as part of any planning or*	Often creep is Permitted development – secure through Article 4 or justify PD removal across new developments?

		building control submissions.	
6.1.4	**5 (c)**	*Ensure planning and development / regeneration policy mandates climate change mitigation, with the aim of removing or attenuating surface water before it enters the combined sewer system.*	'aim' is not very clear. Suds are already required, is this stating regen sites should split out existing systems?
6.1.4	**6 (a)**	*Ensuring runoff from new development does not enter the combined sewer network is essential,*	Does 'new development here mean' greenfield and brownfield?
6.1.4	**6 (b)**	*Separating surface water from existing assets and reducing water consumption, e.g. Retrofitting water sensitive urban design*	Support this approach
		Table 6-1	The limits of conventional treatment for BOD is 5mg/l as a 95th percentile, not 0.5mg/l as listed here.
6.2	**4**	*the best available technologies in terms of wastewater treatment*	Is this an assumption, but is that the tech level that is actually on site or planned for?
6.3.1.1		Difference in consumption	In 6.1.1 the Sewer Capacity Assessment used 122l/h/d as a modelling assumption. In the Flow Capacity Assessment 110l/h/d was used. The Torbay Reg 18 Draft Local Plan includes requirements for new developments to demonstrate 110l/h/d, but this may be 'optional'

			as there is nothing legally binding to enforce this. In reality, even with the 10% allowance included, this could be under-representative. For continuity's sake could 122l/h/d be used in a scenario as well?
6.3.1.1		*Q80*	Appendix B states that the Q80 was calculated from measured flow provided by South West Water from years 2021 - 2023. We would like to see more years included in these calculations, (2024 and 2025 for instance), to better capture the range of conditions caused by rainfaill variation. For instance, the reported DWF value in 2024 was ~39000m3/d, and we had incomplete records in 2022. Is it possible to recalcuate Q80 with additional years data? Thank you.
6.3.1.1		*Capacity post growth*	How has the capacity post-growth been calculated?
6.3.1.1		*Table 6-3*	What was the drive for including an 80l/h/d scenario? This is a very ambitious target. It would be good to also see a 122l/h/d scenario as described above.
6.3.1.1		*Climate change*	As done in the SCA, did you look at any climate change scenarios to see how this might affect the results?

6.3.1.1	**3**	*This shows that the Brokenbury WwTW has slightly more residual headroom for the 450DPA scenario and a 4% residual headroom capacity when considering the Government Standard 940DPA scenario.*	Does this include climate change and urban creep too? It isn't clear. Also does this include the surface water from the new dev going into the combined as is the plan?
6.3.1.2	**1**	*This shows that a revised (tighter) BOD quality condition can be achieved within current conventional treatment technology*	Does this need upgrades to the works though to make it best current treatment?
6.3.1.2		*The SCA has highlighted that there will be an increase in CSOs across the whole of Torbay when considering development, climate change and urban creep (based on 300DPA)*	Assuming the text refers to overflow events from the combined sewers rather than the number of Combined Sewer Overflows as assets. This needs to be amended, as the latter would not be permissable. This is repeated in section 8 growth area summaries so will need to be fixed here too.
6.3.1.2	**4**	*SWW propose the following aims in the Torbay catchment between 2025 and 2050*	Just aims? Are they in the amp/business plan?
6.3.1.2	**4 (a)**	*Construct new combined or foul storage system.*	Where? Does land need allocating for this in the plan or a policy preventing land sterilisation of a route or do contributions need to be sought?
6.3.1.2	**4 (b)**	*Separate surface water from combined systems by constructing new surface water networks (and/or modify existing).*	When where how? As the point above.

6.3.1.2	**5 (b)**	*and will bring spills down to 2 or less per bathing season and less than 10 per year.*	These improvements need to be delivered alongside new development. The combined system is being expected to both improve dramatically from the current situation whilst also accommodating additional flows.
6.3.1.2	**1 (a)**	*Preston Green pumping station storm overflow in Paignton has been identified for spill reduction by 2030*	is it planned for then, business plan/amp/IDP?
6.3.1.2	**1 (a)**	*Investment to reduce spills at Churscombe Cross pumping station storm overflow located adjacent to the Torbay boundary is scheduled for AMP9 (2030 – 2035)*	Do any allocations relate to these 2 sites and are they to be phased?
6.3.1.2	**1 (b)**	*Given the complexity of the project, which will involve removing the River Fleet from the combined sewer network, it will be delivered over several AMP periods.*	In this plan period and if so is it phased alongside relevant development sites?
6.3.1.2	**2**	*Consultation with SWW was undertaken and SWW confirmed the following actions to be undertaken during AMP8 (2025 – 2030) to contribute to the aims in the Torbay catchment:*	are these in the business plan for SWW, can we enforce these through any strategy such as the DWMP or AMP?
6.3.1.2	**2 (b)**	*Bathing Water investigation to be completed at Oddicombe*	What if these results are poor?
6.3.1.2	**2 (c)**	*Shellfish Water investigation at Brixham*	As the point above?
6.3.1.2	**4(a)**	*In AMP8 Oddicombe will have a full catchment*	But what is the plan if the improvements are needed immediately or are too large to be undertaken before development

		investigation to inform improvements required.	comes forward, the allocations will already have been made
6.3.1.2	**4 (b)**	*Pump stations will be improved to meet the maximum '2 spills per bathing season' standard at Paignton and Goodrington Bathing Waters.*	Secured how?
6.3.1.2	**4 (c)**	*CSOs and pumping stations at St Mary's Bay, Meadfoot, and Breakwater Beach will see improvements to the standard of maximum 10 spills per annum.*	Secured how please?
6.3.1.2	**5**	*The SCA has highlighted that there will be an increase in CSOs across the whole of Torbay when considering development, climate change and urban creep (based on 300DPA)*	but its now MINIMUM 450DPA. Not the 300 thplane SCA was based on the
6.3.1.2	**5**	*therefore the WCS recommends a policy*	Must be translated in the
6.3.1.2	**5**	*with no discharge to the existing combined network*	No discharge
6.3.1.2	**5**	*with discharge to the combined network as a last resort.*	Contradicts itself, is it 'no discharge' or 'last resort'
6.3.1.2	**5**	*There may be a requirement to delay significant development until later (or beyond) the plan period when the SWW proposed network schemes are delivered*	Phasing policy required in the housing or infrastructure section of the Plan and a reference to the potential use of Grampian conditions
6.3.1.2	**6**	*allow separation of the wastewater generated into greywater*	Support this

6.3.1.2	**1**	*The WCS recommends that a policy be implemented which requires developers in the Brokenbury WwTW catchment to demonstrate they have agreed available capacity at the WwTW and the associated sewer network with SWW prior to submitting planning applications.*	But realistically we know SWW are obligated to agree to the connections once built, will this policy be robust enough and sound to refuse on if SWW say there's not adequate capacity at the time. If this capacity is an issue the possibility is that developers propose a private system which then goes into the SWW system or the combined and the issue remains the same.
6.3.1.2	**2**	*Managing the CSO spill frequency may be especially important for the Clennon Valley and Ilsham Valley CSOs due to SWW highlighting that these could be potential sources of bacterial contamination to the Brixham SWPA.*	Unknown at present so an unknown current variable which needs clarifying. What if these do need addressing, which sites affect these CSOs?
7	**4**	*Finally, it considers requirements for a policy to reduce water demand in new development to ensure that the supply and demand balance predicted by SWW can be achieved*	Reducing water demand by the amounts relied upon are are ambitious given the trends and evidence
7.1.1	**5**	*the zone would be in deficit for the whole planning horizon (2025 – 2050), up to a maximum of -40.8Ml/d in 2050 under average conditions if no new measures are put in place.*	
7.1.1	**6**	*SWW's draft WRMP:*	Only in draft at present

7.1.1	**6 (b)**	*Reduce per capita consumption to 122 l/h/d by 2038 and 110 l/h/d by 2050*	If this is for existing as well as new this is very ambitious and a total culture shift
7.1.1	**7 (a)**	*SWW is completing a second scheme from Gatherley on the River Tamar in AMP7*	
7.1.1	**1**	*The reduction in demand and additional supplies ensures that the Roadford WRZ remains in surplus over the planning horizon (2025 – 2050)*	is this surplus based on just the current housing present or based on the new 450 per annum growth too in this period?
7.1.2	**2**	*To validate whether the planned forecast supply demand balance within the WRMP24 preferred plan is appropriate for the level of growth to come forward in Torbay*	Roadford feeds more than just Torbay. Other districts now have raised housing figures too.
7.1.2	**3**	*This demonstrates that there is a shortfall of 786 dwellings in the 450DPA scenario and a shortfall of 13,522 dwellings in the Government Standard 940DPA scenario.*	I think either the word shortfall is wrong here and should say surplus, or the figures are the wrong way round - 8215 is smaller than 9568??
7.2.1	**6**	*Whilst government have set out actions to review the need for (and potentially set) higher PCC standards for new homes in water stressed parts of England*	Or those with a 'local evidence base' which we have in Devon - this needs including please
7.2.1	**6**	*Local Plans remain one of the only vehicles to mandate higher water efficiency standards for new*	Should mention the current building regs consultation at 105 pcc

		development through effective local policy	
7.2.1.1	**Table 7-1**	*Household domestic water demand scenarios*	is this for just new housing or does it assume existing housing will also have these figures re pcc?
7.2.1.1	**Figure 7-2**	*An assumed ocupancy rate (number of people per household) of 2.0 has been included in the calculations which has been taken from the SWW WRMP*	Where has this 2 person/hh come from please and is it accurate? It is lower than the national ONS data. Does 128.6l/h/d assume people are complying with reduced use and a culture change?? I expect so which is high risk.
7.2.1.1	**Table 7-2**	*Table 7-2 indicates that if PCC is limited to 110 l/h/d*	New homes only or all homes?
7.2.1.2		*This requires both a reduction in existing household demand, as well as future demand from new households to be lowered as far as reasonably practicable*	Laudable but very ambitious
		early phase new dwellings are designed to reduce water demand prior to these new sources being connected to the Roadford WRZ	ALL new build should do this, not just early phase, the next rotation of the Local plan is only likely to also ned to increase efficiency again with further new growth and continued Climate change impacts.
7.2.1.3		*The Future Homes Hub's Water Ready report was commissioned by Defra .... nevertheless, costs are provided in the report which demonstrate feasible and affordable options which will increase in availability and range as the Local Plan timeframe progresses.*	Provided these can not be reversed or swapped out by future occupiers

		The cost ranges set out in Table 7-3 demonstrates that water reuse is a credible approach to significantly reducing PCC	What about just in house/per house options for water recycling rather than community wide ones. Individual houses can be successfully retrofitted too which cumulatively makes a positive contribution
		The growth area summaries for this WCS (section 8) set out where allocated sites in key locations are of a sufficient size (150 dwellings or more) to consider water reuse opportunities, provided by private companies, based on the evidence presented.	But are they relying on this reuse to keep use down and thus resource levels ok and wwtw capacity acceptable? If so we need to be able to secure and enforce this reuse and ensure it is factored into the site policy wording and site viability studies.
		Offsetting policies *In setting a policy which requires a PCC standard to be met, TC could consider adopting a water reuse offset scheme which allows developers to pay into an offset fund; this would be for the limited number of developers who can demonstrate they are unable to viably meet the set target.*	This would ned referencing in a policy with a link to S106/CIL
		Further information can be found in the Council's Local Plan Topic Paper – Water Efficiency (2024).	Link to EA/SWW water efficiency briefing note
7.3	**4th down**	*The SWW WRMP notes that non-household water consumption is forecast to decline over the planning period (2025 – 2050).*	Can a brief explanation be included here as to why?

8			Flood risk is discussed but a "Flood risk implications" subsection for each settlement would improve consistency.
		Top bullet point: *All major non-household developments to include water saving measures and water reuse in their designs with a focus on rainwater harvesting as the primary source (unless it can be demonstrated that reuse is not viable)*	what sort of 'viable' is being referred to here please? Viability due to actual constraints such as contaminants or due to finance? 'financially viable' ?
8.2.2		*The sewer network is largely combined and the Sewer Capacity Assessment highlighted that the number of CSOs is likely to increase when considering 300DPA, urban creep and climate change. Therefore, additional flow to the sewer network may limit the efficacy of future spill reduction measures. Consequently, surface water from new developments should be prevented from discharging to the combined network*	This is not translated into the Plan policy - many allocated sites are looking at attenuation and flow into the combined sewers with no concrete offset alternative project identified as yet.
8.2.3		*Surface water runoff from these sites has the potential to influence water quality within these WFD water bodies*	by triggering CSOs? Or direct to the water bodies? Cause not clear here
		In terms of flood risk, the growth area is within a critical drainage area and	plus wave action and erosion.

		some areas along the coast are at risk of tidal/fluvial flooding	
		This highlights that developments in this growth area need to manage surface water through the provision of SuDS with a focus on managing water quality. There are limited opportunities for NbS due to the urbanised nature of Torquay. There are areas of riparian woodland potential for sites	Allocate NbS sites in the plan to offset from other sites but also to ensure they are available for these projects?
	8.3.1	*Encourage developers to contribute to NbS for riparian management and provision of surface water attenuation.*	'Encourage?' It needs to be an evidenced policy and the land allocated for a project for NbS so that Torbay Council can collect s106/CIL monies for it and so that it is known at the outset for developers and thus reflected in land values and viability
	8.3.2	*Consequently, surface water from new developments should be prevented from discharging to the combined network.*	Must (not should) This WCS sometimes says sw must not go into the combined, other places it says where possible, then never, it is not consistent on this point which is very important.
	8.3.5	*An 80 l/h/d PCC target for new dwellings; this will support both sustainable water resource provision as well as assist with capacity issues at Brokenbury WwTW and limit impacts on CSOs.*	Wording for any policy reflecting this shouldn't use a 'target' this is just an 'aim' and developers may well then fall short. If 80l/h/d PCC has to be reached then it should be reflected in a policy requirement where this must be met.

		• *To enable CSO spills to be managed in the long-term, require all development in this growth area to prevent surface water generated from sites being discharged to the foul or combined sewer network.*	Clear that it should not go into the cs
		Encourage developers to contribute to NbS for riparian management and provision of surface water attenuation	'Encourage' should not inform policy. This is either necessary for a development to be acceptable against the tests for S106, and therefore development must pay S106, or it isn't. Evidence in this WCS would suggest it is necessary in order for surface water to be stripped out elsewhere in the combined system in order to make room in the network and wwtw for the new sewage from new development. If this can be evidenced this needs to be a robust policy and be included in each site allocation policy so it is factored into land prices and development viability.
Broadsands wwtw		*Is there capacity at the WwTW for 450DPA scenario* *planned within the WwTW catchment*	Please can this be expanded, the SCS said there wasn't space with cc and creep at 300 DPA?
8.4.4		*Paignton is located within the Roadford WRZ managed by SWW. Information provided by SWW indicates that there*	Encourage and consider are quite weak and shouldn't be translated

		is a shortfall in the number of dwellings accounted for in the WRMP planning over the Torbay Local Plan period. Therefore, policies should be implemented to limit per capita consumption to 110 l/h/d and ~~encourage~~ enforce developers ~~consider~~ to implementing rainwater harvesting and greywater recycling measures as part of developments.	into policy. These must 'require' developers to implement rwh etc
		Land South of White Rock (Inglewood) is a large allocated site (373 dwellings) where water recycling ~~could~~ be considered for supplying non-potable uses to meet a 110 l/h/d policy target.	In policy this should read as 'must'
8.4.5		*Last bullet point:* *~~Encourage~~ developers to contribute to NbS for riparian management and provision of surface water attenuation.*	'*require'*
Growth locations			The identification of strategic growth locations such as Inglewood and Edginswell would benefit from further explanation of how development at these locations could deliver downstream flood risk benefits. Can the extent of mitigation anticipated be identified?
9			This section can be enhanced, once SFRA is available, by including a short flood risk

			summary that outlines priority actions for managing flood risk through the Local Plan.
9.4		*There is limited baseline wastewater treatment capacity at the Brokenbury WwTW catchment with no improvement plan proposed by SWW between 2025 – 2050, therefore it is recommended that a policy be implemented whereby developers must demonstrate they have confirmed with SWW that treatment capacity is available to serve the development at the point of anticipated connection, until such time as a WwTW improvement plan is in place. This is to enable SWW to serve developments once occupied without breaching WwTW discharge permit conditions and hence protect downstream water quality and connected water dependent habitats*	Has it not already been evidenced by the capacity study by SWW that there is no capacity here?
9.6		*There is potential for additional growth to result in deterioration in water quality in receiving WFD water bodies and in turn impact on water dependent habitats (e.g. SSSI, SAC, MCZ), SWPAs and Bathing Waters in Torbay.*	More a 'likelihood' than potential if all else remains as is.

		Developers should ensure, ~~where possible,~~ that discharges of surface water are designed to deliver water quality improvements including sediment loading reduction and saline infiltration reduction in the receiving watercourse or aquifer where possible to help meet the objectives of the WFD and ensure no deterioration to Protected Areas including Bathing Waters and SWPAs.	'where possible' is very vague and loose. Not an enforceable policy type wording
		Second bullet: *Discussion around potential opportunities for development to contribute to investment, either through financial contributions or delivery as part of the development to consider how this may feed into policy.*	Manage an expectation here, development can't contribute towards works upgrades through the TCPA mechanisms
		3rd bullet: *Details of growth forecasts used in the DWMP and WRMP, including timing, and any implications in relation to the numbers and trajectory being considered for the emerging Local Plan*	Support this being revisited with SWW as numbers used in the SCA was lower than the current 450/yr which is less than half the Government ask
		Under EA and LLFA: *Discussion / confirmation of policy requirements for flood*	SFRA unavailable at the time of response

		risk, with reference to the SFRA recommendations	
			A number of allocation proposals include protected habitat sites of deciduous woodlands.

General WCS comments:

Combined sewers and WWTW capacity:

Many of the specific comments around this are captured in the table above, however overall we are concerned that the overall conclusions from both the SCA and WCS is that no new surface water from development should be connected to the combined sewer. In all the various scenarios covered, climate change plus urban creep, plus either 300 or 450 DPA the conclusion is that none can be added without a detrimental impact upon CSO spill numbers and therefore water quality. In addition to this CSO spills have to be reduced going forwards, not just made no worse. As such we are concerned that the Plan does make provision for connection of surface water to the combined sewer, albeit at an attenuated rate. We appreciate that many sites are brownfield and may not be able to drain to soakaways however we do not consider the Plan is currently then clear enough on the fact that sw connection to the combined sewer must be the exception not the rule and that where this connection has to occur, off-site mitigation will be required and a clear identification of what this will contribute to and how this offset will be achieved. We strongly advise identification of a deliverable offset project/s to free up capacity in the combined system of a quantity equivalent or more to that being connected needs to be identified alongside the Plan and IDP in order to ensure this growth can be achieved without additional CSO spills and a degradation in fluvial and coastal water quality. This may require land to be allocated for NbS in upper catchments in order to allow wetland creation, riparian connection etc and naturally attenuate and slow/reduce flow into combined systems.

Flood:

Flood risk is acknowledged at a strategic level but deferred to the emerging SFRA and may need to be finalised in the WCS once SFRA is available. The lack of reference to the SFRA in detail currently limits the analytical value of the WCS as a standalone evidence document for flood risk considerations. Clearer signposting of how the WCS and SFRA should be read together would strengthen the document.

Water Resources:

We consider this WCS a very good assessment from a water resource perspective, with an analysis of the planning for the Roadford WRZ which SWW have undertaken for WRMP24 (2025 – 2050) against the Torbay Council projections.

The analysis justifies why the local plan must include a policy of 80 l/h/d for new residential development in order for the housing to come forwards based on the SWW WRMP24 (with the added benefit of delaying expansion at Brokenbury Quarry STW and the CSO spills). This is much stricter than the current optional standard of 110 l/h/d in the Building Regulations. Compared to the 2024/25 average customer demand in the Roadford WRZ of 148 l/h/d for metered customers, this would be a real step change if it can be achieved however reliance upon this culture shift and dramatic reduction in order to release adequate space in the combined system for new growth should be treated cautiously as this is a very ambitions target.

The WCS outlines the ways in which a target of 80 l/h/d for new dwellings can be delivered –

- Fixtures and fittings when new houses built
- Water reuse – but there are current legislative barriers to this for domestic properties
- Offsetting – reducing at Torbay Council properties instead
- Developer incentives – this isn't a method, rather it is a reason for developers' to meet the target through other means

Therefore, there are only two current mechanisms to deliver this – in the fabric and design of the houses themselves or not doing it and the council taking off-site monetary contributions and improving other buildings in Torbay within their control. For the offsetting, we have concerns that this could not be delivered at the pace of the new houses and whether the anticipated benefits would actually be achieved and maintained over time. If offsetting is to be an option for the Plan, we would therefore seek for the scheme for offsetting to be to be developed and named to accompany the plan as the receiving project so that this reduces the uncertainty re delivery. Without this, fixtures and fittings is the only option to deliver the target. We would also seek for new housing where offsetting is the selected option, that the Building Regs target of 110 l/h/d is applied as a minimum (possibly less depending upon the emerging building regs standards).

Non-domestic development

Torbay is not identified as a key future location for data centres but it is an emerging risk for water resources and conflict between different water users in other parts of the country (and globally).
Data centres: planning policy, sustainability, and resilience - House of Commons Library

From reading the recommended policies in the WCS, it is not clear if these are sufficient if there were a proposal for a data centre in an industrial building. Water resource policies should roach the businesses operating from premises rather than just the buildings themselves.

Clean/drinking water infrastructure

The WCS does not provide evidence that the water supply infrastructure (pipelines and water treatment works) has sufficient capacity (or will have) to provide the clean, wholesome water for the housing numbers in the WRMP24 up to 2045. There is

mention of the sewerage infrastructure and Brokenbury Quarry but no confirmation from SWW that the infratructure will be in place to supply the houses. The WCS focussed on whether the volume of water will be available (which it is not without the 80 l/h/d target being achieved), not if the infrastructure is in place. Please can this be explored and addressed within the WCS, Plan and IDP?

Water Quality:

The potential linkage of growth proposed and its effects on the DART Transitional waterbody (currently Moderate in Water Framework Directive classifications) haven't been fully considered, Galmpton and Upper Yalberton development areas would drain this way.

Also the Stoke Gabriel Bathing Water isn't included with the other bathing waters, given the influence of the Yalberton Stream on this and some development ear marked adjacent to/ in the upper catchment area please include this.
Whilst many of the surrounding waterbodies are not at a WFD failing status for Torbay it's important to make sure the proposed level of development doesn't increase pressures on the waterbodies, resulting in status reduction.

Sustainability Appraisal:

Reasonable alternatives:
The reasonable alternatives document is from 2021. The figures under 'developing options' would appear to be out of date based on government housing figures and changes to the standard method.

Nothing is mentioned under test 1 re climate change and water resource and nothing under test 2 re combined sewers and water quality

Comments on the potential significant effects identified:

The scoping /monitoring document is also from 2021 and has no mention of monitoring water quality and this is at risk in Torbay with proposed growth.
Policy SS1 should also refer to the need to deliver timely necessary infrastructure alongside growth (WWTW), not doing so is a risk with environmental impacts.

Housing and regeneration should mention heritage and environmental protection and sustainability as effects.

Climate change paragraph should mention water resource and efficiency please
The evidence for CCMA designation rationale is needed to support the Plan and SA as a part of ensuring that the policies relating to change management are sustainable.

Mitigation:
We have concerns that the proposal for adding surface water to the combined sewer is not sustainable and that the mitigation proposal of offsetting to another project is not clearly identified as to when this would apply and what project this is and whether it can provide adequate mitigation.

Consideration of drinking water infrastructure is needed in order to ensure this is provided to new development in a timely manner. Similarly we have concerns re the ambitious reductions in household water use which is being relied upon to reduce both usage and also water into the sewage infrastructure. These are ambitious and mostly reliant on a culture change when the evidence and trends show a rise in use.

Specific comments on the SA:

SDP4 – 'drainage infrastructure' Surface water (SW) or sewage?
5.7.6 ER1 flood risk. Better if split into SW and other forms i.e.coastal and fluvial to be clearer
5.7.7 ER2 Drainage hierarchy, at odds with SWW capacity study and WCS needs clearer, exception for combined sewer connection and re a certain project/s for offsite use of developer contributions to mitigate
5.7.8 ER3 concerns that 'natural sewage treatment' isn't fully explored here and impacts measurable
5.7.12 ER7 CCMA 'permanent residential development'? please define
5.11.7 Waste water – link to IDP when its written
3.6 and 3.7 need updating - not aligned with the plan
3.6 flooding says locate development outside FRZ but it is mostly not. Figure 13 watercourses and flood zones, where is this from, out of date? Link to EA flood risk maps instead in order that this data and Plan keep up to date
3.7 refers to SWW plan but not WCS, increased growth pressure or WQ issues, please include.

Thankyou for the opportunity to comment on your Regulation 18 Plan.