

Disposal of Grace Road Field

Consultation Response from Green Councillors

Cllrs Diana Moore, Catherine Rees, Andy Ketchin & Lynn Wetenhall

December 28th 2024

Greens Councillors are concerned about the disposal of the site by the Council for a number of reasons - in summary:

- **No Environmental Impact Assessment of this application has been required** by the Council as the Local Planning Authority, despite the fact that the proposed development will have significant urbanising effects and change the use of natural resources, in particular land, soil, water and biodiversity in an area designated in planning policy as a Valley Park.
- **The Council has not shown that due diligence has been carried out, with regard to being certain that this is the only possible site for the location of the proposed energy plant.** We have asked for information from the company on what other sites they considered but that information has not been provided. Cllr Ketchin was promised a meeting with Cllr Bialyk on this issue but no meeting has been offered.
- **The public consultation, does not meet the standards of the Council's Consultation Charter. The material provided for the public is inadequate and misleading. There has been no notice put up by the council at the site.**

More information on these points is provided below

1. Due diligence regarding location of energy plant at Grace Rd field

Cllr Ketchin asked the Leader, at Council Meeting October 15th: *"Can the council share documentation that shows a robust case was put forward by the developer to council, to show that the River Valley Park was the only suitable site for this project, other than on **cost or convenience alone?**"*

He was offered a meeting in response, to take this further by the council leader, but none has been forthcoming.

The points of concern are that:

- **There is no public record of alternative sites considered.** Cllr Ketchin was told that siting is a matter for the developer not the council. However, in this case the council is not a neutral arbiter in a planning sense. It is also the vendor. In addition, a development within a Valley Park is against the Council's own planning policies. All of this means that every

effort must be made to show that a fair and full process has been undertaken, to demonstrate that Grace Rd field is the only possible location for the proposed energy plant.

- Energy1 are not prepared to say what '14 sites' they considered. We believe that this information must be shared with officers and Councillors, particularly as we have reason to believe that there is at least one other potential suitable site, and possibly more. **The Council needs to be certain that there are no suitable alternative brownfield sites.**
- There should be capacity for the public to scrutinise the alternatives in order to weigh and justify this sale. **The Council need to demonstrate that this site's benefits for development outweigh the costs.** The potential costs amount to the community's loss in the form of nature, amenity, flood plain, disused sports fields, future recreation capacity for housing expansion at Water Lane and later Marsh Barton, amongst others cited in previous Exeter City Council documents.
- Until the case for sale of this sensitive site has all the necessary information assembled and made transparent, the sale should be halted.

2. Environmental Impacts

The Core Strategy (Exeter City Council 2012) Policy CP11 states that "*development should be located and designed so as to minimise and, if necessary, mitigate against environmental impacts.*"

The developer of the energy plant states the use of the for energy generation is "*not likely to introduce unusually complex and potentially hazardous environmental effects.*"

However, the site is within a SSSI Impact Zone, therefore it is incumbent on the Council, as legal custodian of the site, to prove that such effects on nature and the environment are not likely, rather than asserting that this is the case. The Council should give full consideration of the impact on flooding on the site or more widely, and the heritage impact on the heritage ship canal before the decision is made to approve the disposal.

The submitted request for disposal does not take account of the full environmental and ecological factors relating to the development of the proposed site. Many of these are sites are set out in the immediately adjacent Water Lane site and are relevant to this site [1] and summarised here:

- **The site is part of the Riverside Valley Park** covering some 40 hectares. The Valley Park is one of the Exeter Valley Parks managed by Devon Wildlife Trust and the Valley Parks Master Plan is a planning policy document which recognises the significance of the land and it's role and connection in the wider ecological network and landscape; ([Layout \(devonwildlifetrust.org\)](http://devonwildlifetrust.org))
 - **Bonhay Road Cutting Site of Special Scientific Interest (SSSI)** is located approx 1.5 km north west of the Site.
 - **Stoke Woods SSSI** is located 5 km to the north of the Site. The site contains "areas of semi-natural woodland and recently managed woodland, supporting a good population of breeding birds, such as buzzard *Buteo buteo*, tawny owl *Strix aluco*, all three British species of woodpecker, and nightingale *Luscinia megarhynchos* in some years. Several species of warbler also nest in the woods, with a particularly large population of wood warbler *Phylloscopus sibilatrix*."

3. Failure to comply with Council's Consultation Charter standards

Given that Internal Audit recently criticised the Council's consultation work standards, ensuring that this consultation is done as well as possible is an important way to show that the Council and its leadership are serious about addressing the failures noted by Internal Audit. There are several ways in which the public consultation does not comply with the Council's Consultation Charter.

Given the sensitivity of this sale (Council vendor and planning authority, development on the site in conflict with Council's planning policy, environmental impacts etc), **the Council needs to show it is willing to go over and above the basic legal requirements and ensure that there is transparent, plain English information available.**

Failures of the consultation process and materials

- We accept that the Council has complied with the legal standards of consultation. However, we note that **we have had no response** to our point (made to Stuart Longbottom & David Martin in email of 20/12/24) , **that the publicly available material via the Council's consultation website fails to comply with the DCLG Guidance requirement to clearly state the reason for disposal of open space land.** As all of that material is written by the Energy1 and not the Council, this is hardly surprising. We suggest that to meet with the Council's own consultation standards, this must be clearly set out and that an extended consultation period should therefore be provided, where the material complies with DCLG guidance.
- As previously noted, **the consultation material provided on the Council's consultation website is written by Energy1**, (though this is not acknowledged) and not by the Council. The material has no Council logo. This is a failure to comply with basic standards of clarity and transparency in a consultation process.
- The consultation material (any of the various versions) **fails to mention that the site is within the Riverside Valley Park.** This is a failure to be open and transparent about the context of the proposed sale.
- **The main consultation site and material contains no illustration of the proposed development** (unlike the webpage published Dec 17th, see below). Understanding the scale and location of the development proposed is vital for members of the public who want to understand what the proposed sale is about. Failing to provide an artist's illustration is another failure to meet the Council's Charter Standards.
- **Inconsistency of provided information.** There is a confusing jumble of information about the consultation.:
 - a new webpage on the Council's website dated Dec 17th <https://news.exeter.gov.uk/public-invited-to-comment-on-land-disposal-at-grace-road/> This was published 2.5 weeks after the consultation opened and two weeks till it closes, including two bank holidays) and cannot therefore be considered to be a fair part of the information provided This information is of better quality in that it contains an illustration, is clearly 'from the Council' and for the first time, states what the reason for disposal is. It is hard to

understand why this better material was only made available on December 17th.

- The City Council's news page has no information about this consultation <https://news.exeter.gov.uk/?page=5>,