

Exeter Plan 2021-2041

Publication Stage (Regulation 19)

Representation Form

Ref:

**(For official
use only)**

Name of the Local Plan to which this representation relates: Exeter Plan 2021-2041

Please return to Exeter City Council, Local Plans Team, Paris Street, Exeter, EX1 1JN, upload onto our consultation portal at <https://exeterplanpublication.commonplace.is/> or email to planning.policy@exeter.gov.uk by **11:59 pm on 6 February 2025**.

This form has two parts:

Part A – Personal Details: Needs to be completed only once.

Part B – Your representation(s). Please fill in a separate sheet for each representation you wish to make.

Part A: Personal details

1. Personal details*

*If an agent is appointed, please complete only the Title, Name and Organisation (if application) boxes below but complete the full contact details of the agent in section 2.

Title

First Name

Last Name

Job Title (where relevant)

Organisation (where relevant)

Address Line 1

Line 2

Line 3

Line 4

Post Code

Telephone number

E-mail address

2. Agent's details if applicable

Title

First Name

Peter

Last Name

Thomas

Job Title (where relevant)

Principal Planner

Organisation (where relevant)

Bell-Cornwell LLP

Address Line 1

Winslade Manor

Line 2

Line 3

Line 4

Clyst St Mary

Post Code

Telephone number

E-mail address

Part B – Representation

Please use a separate sheet for each representation

3. To which part of the Exeter Plan does this representation relate?

Paragraph

Policy

Policies Map

4. Do you consider that this part of the Exeter Plan is legally compliant?

Yes

No

4 (a). If yes, and you wish to support the legal compliance of this part of the Exeter Plan, please use this box to set out your comments.
(Continue on a separate sheet if necessary)

N/A

4 (b). If no, please give details of why you consider this part of the Exeter Plan is not legally compliant. Please be as precise as possible.
(Continue on a separate sheet if necessary)

Please see attached response.

4 (c). Please set out the modification(s) you consider necessary to make this part of the Exeter Plan legally compliant, in respect of any legal compliance matters you have identified at 4(b) above. You will need to say why each modification will make this part of the Exeter Plan legally compliant. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.
(Continue on a separate sheet if necessary)

Please see attached response.

5. Do you consider that this part of the Exeter Plan is Sound?

Yes

No

5 (a). If yes, and you wish to support the soundness of this part of the Exeter Plan, please use this box to set out your comments.

(Continue on a separate sheet if necessary)

N/A

5 (b). If no, please give details of why you consider this part of the Exeter Plan is unsound. Please be as precise as possible.

(Continue on a separate sheet if necessary)

Please see attached response.

5 (c). Please set out the modification(s) you consider necessary to make this part of the Exeter Plan sound, in respect of any soundness matters you have identified at 5(b) above.

You will need to say why each modification will make this part of the Exeter Plan sound. It will be helpful if you are able to put forward your suggested revised wording for the relevant policy or paragraph. Please be as precise as possible.

(Continue on a separate sheet if necessary)

Please see attached response

6. Do you consider that this part of the Exeter Plan complies with the Duty to Co-operate?

Yes

No

6 (a). If yes, and you wish to support this part of the Exeter Plan's compliance with the duty to co-operate, please use this box to set out your comments.

(Continue on a separate sheet if necessary)

6 (b). If no, please give details of why you consider this part of the Exeter Plan fails to comply with the duty to co-operate. Please be as precise as possible.
(Continue on a separate sheet if necessary)

N/A

Please note that non-compliance with the duty to co-operate is incapable of modification at examination.

7. If you would like to make representations on the Sustainability Appraisal (SA) please provide your comments here, stating to which part of the SA your comments relate.
(Continue on a separate sheet if necessary)

N/A

8. If you would like to make representations on the Habitats Regulation Assessment (HRA) please provide your comments here, stating to which part of the HRA your comments relate.
(Continue on a separate sheet if necessary)

N/A

Please note In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.

9. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

No, I do not wish to participate in hearing session(s)

☐

Yes, I wish to participate in hearing session(s)

☒

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

10. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:
(Continue on a separate sheet if necessary)

It would be helpful in order to express the view that the wording of policies should be more positive in their reflection of the updated NPPF and also the policy conflict between policy NE2, Water Lane policy SBA1 and NE1 of the plan.

Please note the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

For more information on how we use your data – please read our privacy notice at the following website: <https://exeter.gov.uk/media/5750/planning-policy-privacy-notice.pdf>

Exeter City Council
Civic Centre
Parish Street
Exeter
EX1 1JN

Exeter Regulation 19 Plan Consultation Response

Dear Sirs

Bell Cornwell LLP act as town planning consultants on behalf of 1Energy who have submitted an application for an energy centre at Grace Road, Marsh Barton.

We and have been instructed to review the plan and consider that it is **not** legally compliant or meets the tests of soundness for the following reasons. We also set out what modifications we consider are required to make the plan legally compliant and suggest revised wording.

Policy CC3 – Local Energy Networks

The wording of Policy CC3 wording has been unchanged from the original draft of the local plan. Since this publication a new government has set out an agenda which has set out a commitment towards zero carbon. Plans announced include the *Plan for Change* to make Britain a clean energy superpower to drive economic growth and bring down bills for households and businesses.

In December 2024, a Clean Power Action plan was announced by the Energy Secretary where it was said that:

The era of clean electricity is about harnessing the power of Britain's natural resources so we can protect working people from the ravages of global energy markets.

There is a clear focus on delivering clean power and energy infrastructure to 2030. Exeter City Council have announced a climate emergency, and published a Net Zero Exeter 2030 Plan. This commits the Council to achieving net zero within the next 5 years. Clearly this is an ambitious target. We therefore feel that the wording of this policy can be strengthened and the legislative background and the reinforcement within the new NPPF on renewable technology should be included within the policy.

The National Planning Policy Guidance (NPPG) says that:

Addressing climate change is one of the core land use planning principles which the National Planning Policy Framework expects to underpin both plan-making and decision-taking.

In addition to the statutory requirement to take the Framework into account in the preparation of Local Plans, there is a statutory duty on local planning authorities to include policies in their Local Plan designed to tackle climate change and its impacts. This complements the sustainable development duty on plan-makers and the expectation that neighbourhood plans will contribute to the achievement of sustainable development. The National Planning Policy Framework emphasises that responding to

climate change is central to the economic, social and environmental dimensions of sustainable development. [ID Paragraph 1 6-001-20140306]

National Planning Policy Framework (updated December 2024)

The NPPF was revised in December 2024, and includes important considerations in the drive towards carbon reduction and includes a commitment to transition to zero by 2050. These changes are underlined below.

Paragraph 161: This sets a target date of a transition to **zero by 2050** and take full account **of all climate impacts.**

Para 168: When determining planning applications for **all forms** of renewable and low carbon development **energy developments and their associated infrastructure,** local planning authorities should:

- not require applicants to demonstrate the overall need for renewable or low carbon energy, and **give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal's contribution to a net zero future;**

National policy does, and therefore local planning policy should, give **significant weight** to the benefits associated with low carbon energy generation. This should be reflected in both the policy preamble, and the wording of the policy itself.

There is currently nothing within the policy itself which **is positively worded** in the support it should be giving to technology such as energy centres. As drafted, the policy merely states where energy centres are proposed rather than 'proposing' AND 'supporting' them.

Furthermore, the NPPF gives specific reference at **paragraph 86** that planning policies *should set out a clear vision and strategy which positively and proactively encourages sustainable economic growth having regard to the national industrial strategy Invest 2035: The UK's Modern Industrial Strategy which identifies priority sectors for growth and support which includes clean energy industries.* Invest 2035 states that:

The government's growth mission will lead the way in delivering growth for all. Reforms are already underway to address planning barriers to growth, channel finance towards growth priorities, and accelerate the transition to net zero.

The UK is committed to sustainable growth – growth that is aligned with our net zero and environmental objectives.

The UK approach will demonstrate global climate leadership, including focusing on supporting the clean energy mission. It will build a strong domestic industrial base across services and manufacturing to gain strategic economic advantage – creating good, well-paid jobs in the green sectors of today and of the future. This includes opportunities presented by the circular economy.

The net zero objectives for the industrial strategy will be to:

- *capture the growth opportunities of the clean energy mission and net zero transition*
- *identify and support clean energy industrial sectors with the greatest growth potential.*
- *align sector plans with net zero and environmental objectives*

Against this background of the growth in the renewable sector, there is a strong presumption that these types of developments should be supported and this needs to be reflected in the policy wording.

Assessing the changes in the NPPF against policy CC3

To effectively support the emphasis placed within the revised NPPF on renewable energy and technology, the very first line of the policy should support these types of proposals and should read:

1. Proposals for the development of local energy networks shall be supported...

The wording should include the **infrastructure associated** with energy centres, and for the avoidance of doubt, any areas within the current heat network LDO should be considered to fall within this policy and should be stated within the policy.

2. “Compatible with”

The proposed policy states that heating systems (water and space) must be constructed to be “compatible with” the proposed or existing local energy network. We support the inclusion of both water and space heating within the policy, and would support the wording being strengthened from “compatible with” to **“designed for connection to”**. This is in line with existing Greater London Authority policy which states that Energy Assessments should “demonstrate that connection to existing or planned district heating networks has been prioritised”, and “commit to a communal heat network to allow connection to existing or planned district heating networks identified in the area” (https://www.london.gov.uk/sites/default/files/gla_energy_assessment_guidance_june_2022_0.pdf)

For the avoidance of doubt, electric heating should not be considered to be “compatible with” heat network connection unless other options have been proven to be unfeasible, as water heating demand alone will render a heat network connection unviable as well as resulting in higher energy bills for residents due to the high cost of running direct electric heating systems. The only exception should be where a building is certified Passivhaus.

3. “Allow connection to”

With regards the suggested wording for heating systems to “allow connection to” we recommend the policy is strengthened (in line with the NPPF) so that new developments “prioritise connection to” a proposed or existing local heat network. This is in line with existing policies in other Local Authorities.

4. Emerging Heat Network Zoning powers:

We also point out that **“requiring”** connection to a heat would have been in line with emerging Heat Networks Zoning powers established within the Energy Act 2023, and was the subject of a consultation (Proposals for heat network zoning 2023 - GOV.UK (www.gov.uk)). Current proposals are for Heat

Network Zoning to place a requirement on certain buildings within a zone to connect to a heat network. The types of building subject to this requirement will be:

- New buildings
- Existing communally heated buildings
- Some existing non-domestic, non-communally heated buildings.

Exeter is one of 28 cities that were included in a Heat Network Zoning pilot project, and a map has been produced of the areas where this will be implemented and is attached with this representation. It would therefore be highly relevant to **strengthen the policy** wording to emphasize the **significant weight** that is given to energy generation schemes, and this will also ensure that the plan aligns with the Energy Act 2023.

5. Low carbon heat:

The final recommendation here we make is that the proposed policy should explicitly state that communal heating systems should prioritise low-carbon and renewable energy sources – **in line with the new NPPF**. This aligns with broader sustainability goals and encourages developers to adopt environmentally friendly technologies.

In summary, in accordance with the requirements of the revised NPPG (2024), the policy needs to be **positively worded** to reflect the new government agenda in reaching net zero, and the positive and radical approach that the Council will need to make to meet this within the next 5 years.

Water Lane Policy SBA1 and Policy NE1 Landscape Setting Areas & NE2 Valley Parks

Grace Road Playing Field is identified as disused, and majority of the Water Lane allocation was identified as part of the Exeter Local Plan First Review for development. The site of the proposed Energy Centre is in a highly sustainable location and can provide the energy network required within the policy.



Figure 1: Location of Grace Road Playing Fields

The supporting policy map includes our client's site within the strategic mixed use brownfield allocation in policy SBA1. As part of this allocation, limb "G" identifies that a requirement for an energy strategy that minimises carbon emissions both operational and embodied, and incorporates renewable and low energy generation that helps to deliver, and connect to, local energy networks.

Through policy SBA1 supporting proposals for an energy centre in this location, it will allow the requirement towards net zero to be significantly met, not just for Water Lane but also for Exeter.

To support this aspiration, the policy references the Liveable Exeter SPD, where it is recognised that the site is an energy, nature and wildlife opportunity. The Exeter Energy Centre will meet these criteria by providing a facility which will benefit the City in its desire to be net zero, and provide 20% biodiversity net gain.

Overall, the policy is supportive of renewable proposals, however, this must also be considered against the other policies of the plan because the site is within the Valley Park and landscape setting of the city. When these policies are considered against one another, it is clear that there are policy conflicts between each other.

Conflicts of policy

It is considered that there are conflicts of policy between the proposed policies, the Liveable Exeter SPD and the adherence to the Ludwell Valley Masterplan in policy NE2.

Policy NE1 (landscape setting) is supportive of development which helps to achieve net zero or proposals deliver essential strategic infrastructure where it can be demonstrated that there is no suitable alternative site with less harmful impacts, and they minimise harm to the Landscape Setting Area.

In examining the location of an energy centre, other sites have been examined and deemed unacceptable. The inclusion of the site at Grace Road, Marsh Barton within the allocation will not set any kind of precedent for development within the Park because it has long been anticipated as having a future use, it is land surplus to requirements, is visibly contained, is directly adjacent the energy from waste building, and in a location which can make good use of surrounding infrastructure. It will not therefore undermine the landscape designation.

We are therefore supportive of aspects of policy **NE1** and the recognition that development can take place within the landscape setting of the city will be supported where they help to achieve net zero.

However, policy **NE2** identifies that development proposals which are contrary to the Ludwell Valley Park Masterplan will not be permitted. This is not legally compliant because it gives legal weight to a **Ludwell Valley Masterplan** which not endorsed for Development Management Purposes.

Development proposals which are contrary to the Riverside And Ludwell Valley Parks Masterplan, or which would harm existing or potential opportunities for the above functions, will not be permitted.

Figure 2: Wording of NE2

1. Water lane tip restored as pump track for mountain bikes, low ropes course

2. New two platform rail station with cycle/pedestrian overbridge as key access hub for Riverside Park

3. Water lane tip restored as pump track for mountain bikes, low ropes course

4. Water lane tip restored as pump track for mountain bikes, low ropes course

5. Water lane tip restored as pump track for mountain bikes, low ropes course

6. Water lane tip restored as pump track for mountain bikes, low ropes course

7. Access point to 'p' access' circular around Univers

8. Canoe/kayak/wild swim access point

9. Low-impact artistic bridge

10. Cam areas, fire pits

11. Bromham Farm as new outdoor activities hub

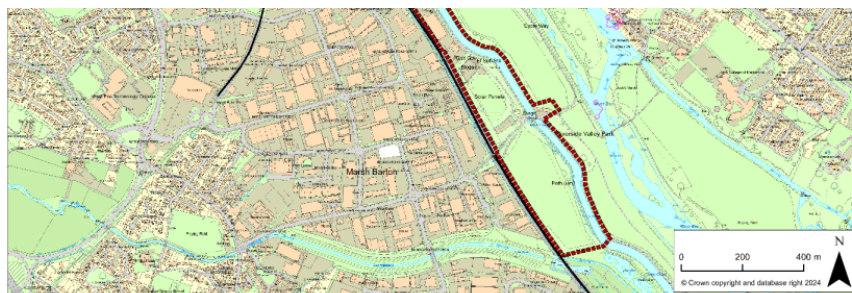
12. Old Swing Bridge primary to cycle and pedestrian use

13. Old Swing Bridge primary to cycle and pedestrian use

14. New two platform rail station with cycle/pedestrian overbridge as key access hub for Riverside Park

15. Make Road Bridge safe for pedestrians/cyclists

Furthermore, there are clear conflicts between the requirements of policy NE2 and the proposed policy SBA1 which allocates the site as a part of a strategic mixed use brownfield allocation, and, gives weight to the Liveable Exeter DPD which was ‘made’ in 2024.



A site of 36.2 hectares at Water Lane is identified for a mixed use development delivering approximately 1,861 homes and the retention of existing levels of employment floorspace in phases up to 2041. The development must support the achievement of net zero and accord with the Liveable Exeter Principles and the Liveable Water Lane Supplementary Planning Document to deliver a compact and well connected neighbourhood, incorporating the highest standards of design.

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The Liveable Exeter Supplementary Planning Document lists at **Policy S15** a number of alternative uses for the site at Grace Road including BNG habitat bank, woodland creation, recreational area, wildlife hub, canal Basin/marina, **energy centre**, allotments and solar farm.

Uses that are being considered for Grace Road Fields include, BNG habitat bank, woodland creation, recreational area, wildlife hub, canal basin/marina, sports and recreation hub, energy centre, allotments and solar farm. The Riverside and Ludwell Valley Parks Masterplan should be used for ideas and reference.

Figure 5: Policy S15 Liveable Exeter

The Masterplan therefore limits the use of the site to a potential campsite and festival space.

The policies do not therefore align with one another, and there is therefore a distinct conflict between the requirement to adhere to the Masterplan and the requirements of a 'made' document and the proposed policies and uses for the site contained within the new Local Plan.

Given the status of the Masterplan, the position of the SPD and proposed policy SB1A, and the evident conflict between uses envisaged for Grace Road, it is therefore unreasonable to require that development proposals must adhere to the Masterplan.

This requirement will prevent alternative development advocated and supported by policies within a made document and other policies emerging out of the local plan and the new NPPF 2024 from coming forward and being found acceptable.

Suggested wording

To recognise this conflict between policies and the new NPPF, a greater recognition and flexibility should be given within policies of the plan to support and focus upon the transition to Net Zero.

It is suggested that the wording of policy **NE2** is amended to say **as part of development proposals consideration shall be given to the Riverside and Ludwell Valley Parks Masterplan, or, it is removed entirely**, rather than prescriptively preventing development that is contrary to it.

This alteration will then not prevent proposals which are contrary to the Masterplan but in accordance with other policies, being found to be acceptable. It will therefore reflect the new NPPF and the strong emphasis towards Net Zero in particular paragraphs 86, 161, 168, and make the plan legally compliant.