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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	Councillor
First Name	Diana
Last Name	Moore
Job Title (where relevant)	Leader of Green Group. Submission on behalf of Cllrs Banyard, Read, Rees, Bennet, Wetenhall, Ketchin.
Organisation (where relevant)	Exeter City Council
Address Line 1	% Civic Centre
Line 2	Paris St
Line 3	Exeter

Line 4

Post Code

Telephone number

E-mail address

2. Agent's details if applicable

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

Part B – Representation

Please use a separate sheet for each representation

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

Paragraph

5.42 -5.44

Policy

CC9

Policies Map

Biodiversity
Network
Diagram

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

Yes

No

x

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)

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)

Water Framework Directive (WFD) (2017)¹ The environmental objectives of the WFD, summarised in the Environment Agency's River Basin Management Plans (RBMPs) are:

- To prevent deterioration of the status of surface waters and groundwater,
- To achieve objectives and standards for protected areas, and
- To aim to achieve good status for all water bodies or, for heavily modified water bodies and artificial water bodies, good ecological potential and good surface water chemical status.

These environmental objectives are legally binding, and all public bodies should have regard to these objectives when making decisions (such as Local Plan development) that could affect the quality of the water environment. The policies do not demonstrate how compliance with these environmental objectives in relation to chemical status will be demonstrated.

The Sustainability Appraisal² (P42) notes: "*The Environment Agency classification for the estuary under the Water Framework Directive in 2020 is 'Moderate' for both ecological and chemical parameters. Issues preventing waters reaching 'Good' status and the contributing sectors can be summarised under growth, development and transport.*"

¹ [The Water Environment \(Water Framework Directive\) \(England and Wales\) Regulations 2017](#)

² [wgrickznejufwitysqxl.pdf](#)

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)

Amend policy CC9 (in bold)

*"Development proposals that support the return of Exeter's water bodies to 'good' ecological **and chemical** status, and thereafter maintain that status, will be supported. Development proposals that harm the ecological **and chemical** status of any of Exeter's water bodies will not be supported."*

Reason: to ensure compliance with the Water Framework Directive 2017.

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)

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)

Policy CC9 and preamble paragraphs are not consistent with national planning policy *NPPF para 7 (sustainable development)* and *8c (environmental objectives)* nor does the policy demonstrate how it will meet development needs or achieve the proactive approach asserted in para 5.39 - justified by the *NPPF para 158. "mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change and water supply, biodiversity and landscapes."* The Plan is deficient and so not effective as it does not set out a strategic policy for the handling of waste water in accordance with *NPPF para 20b*. Policy CC9 does not reflect the evidence and there is a lack of evidence to inform policies which would demonstrate how the plan meets the requirements of *NPPF paras 7, 8c, 158 & 20b*.

1. **Context:** Water quality, water quantity (flood/drought), climate resilience and enhancing biodiversity must be tackled strategically alongside development. Our water environment and systems are in crisis, with sewers overloaded, supply under threat in many parts of the country, many rivers over abstracted, flood risk increasing year on year from rivers and surface water, and a cocktail of pollution from housing, farming, sewage, chemicals, and more, degrading our water ecosystems. Exe Estuary has many important riverine and estuarine habitats: SSSI, SPA & Ramsar site.

2. **Proactive Approach:** Therefore the Local Plan should take a proactive approach to protecting and enhancing water systems and managing waste water, not least because the Exe runs through the heart of Exeter and runs through nitrate vulnerable zones downstream. Policy must ensure effective measures, such as those developed by the Environment Agency³ are embedded to avoid harm to the wider water environment and build more water resilient communities and enhance biodiversity.

- a. Preamble 5.43 takes a passive approach inconsistent with earlier paragraphs (emphasis mine); uncertain policy is not effective:

*“5.43 There **may be potential** to deliver enhancements within the Valley Parks and landscape setting areas that help return Exeter’s water bodies to good ecological status under the Water Environment Regulations.”*

- b. The preamble does not draw on proportionate evidence to inform ‘looking upstream’ to demonstrate how the policy can be effective and deliverable. The Environment Agency sets out measures, which can be drawn on, to deliver relevant actions⁴ to help achieve environmental objectives in the River Basin Management Plan. These should work in tandem with Biodiversity Net Gain and environmental land Management schemes and strategies, and catchment management plans to maximise effective delivery for nature. There are no mechanisms in the policy to enable delivery of enhancements.

3. **Waterways role in biodiversity:** The Biodiversity Network Plan presented as part of the Plan evidence does not recognise Exeter’s waterways as contributing to the biodiversity network⁵. The approach to the policy looking Valley Parks and landscape setting in general terms to “help return Exeter’s water bodies to good ecological status under the Water Environment Regulations” is not effective as it does not set out a strategic approach and actively supports the Local Nature Recovery Strategy, the a catchment based approach for the Exe⁶ and the River Basin Management Plan as the strategic approaches to achieve the environmental targets.

4. **Waste Water**

The PPG provides guidance on all aspects of the water environment and emphasises the need for early discussion with water and sewerage companies so that growth can be reflected in their long-term water resources management plans so that adequate infrastructure will be in place when and where it is needed. The policy is also ineffective as it omits consideration on waste water despite the need to this being mentioned in the Sustainability Assessment⁷ (P44 3.32) and referenced in the preamble. Strategic policy on wastewater should consider the sufficiency and capacity of wastewater infrastructure, considering circumstances where private treatment works may be accepted and considering the capacity of the environment to receive effluent from development without preventing relevant statutory objectives being met and achievement of biodiversity standards. There are also cross-boundary issues as the water supply and water

³ [Summary programmes of measures by river basin district](#) (Downloadable excel file) [Potential additional programmes of measures](#)

⁴ [Measures data for Devon East Management Catchment | Catchment Data Explorer](#)

⁵ [Full page photo](#)

⁶ [Home - CaBA](#)

⁷ [Exeter Plan: Publication Plan](#)

quality issues in the Exe River catchment area can only be addressed in partnership with neighbouring authorities and other stakeholders.

5. Monitoring

The policy and para 5.43 *“Development proposals that support the return of Exeter’s water bodies to good ecological status will be supported.”* will not be able to demonstrate its effectiveness as no measurable indicators or targets are included in section S17. Understanding the targets will provide a clear basis for understanding if development proposals can be supported.

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)

Amend (additions in bold)

1. “5.39 Local planning authorities must adopt proactive strategies to adapt to climate change that take full account of water supply and demand considerations. Policy CC9 requires new development to contribute to reducing water demand, ~~and~~ improving water quality **and effective waste water management and infrastructure.**”

Reason: To comply with the NPPF para 20 regarding strategic policies for waste water management

2. Amend “Development proposals that support the return of Exeter’s water bodies to ‘good’ ecological **and chemical** status, and thereafter maintain that status, will be supported. Development proposals that harm the ecological **and chemical** status of any of Exeter’s water bodies will not be supported.”

Add new

3. Add new 5.45 and renumber following accordingly. **“The Council will work in partnership with neighbouring authorities, other agencies and stakeholders on cross-boundary water supply, water quality issues in the Exe River catchment area and support the delivery of a catchment management plan, River Basin Management plan and the Local Nature Recovery Strategy.”**
4. Add (bold) to strategic policy “The City Council will work closely with South West Water and all other partners to help deliver the Drainage And Wastewater Management Plan and the Storm Overflow Action plan, **a catchment management plan, River Basin Management plan and the Local Nature Recovery Strategy.**”
5. Insert new section Heading and preamble before 5.44 “Waste Water” to cover policy and strategic policy on wastewater as identified in the Sustainability appraisal and to comply with the NPPF 20 and the PPG.

6. Add 5.46 to improve effectiveness (i.e. address the deficiency of the policy) and enable deliverability of the Plans objectives in line with legislation and guidance:
“The sufficiency and capacity of wastewater infrastructure will be considered, including considering circumstances where private treatment works may be accepted. Development which demonstrates the capacity of the waste water infrastructure to receive and process effluent from development without preventing relevant statutory and which supports the achievement of ecological and chemical objectives and local environmental objectives being met shall be supported.”

5.47 The Council will work with South West Water and other agencies to identify suitable sites for new or enhanced waste water and water supply infrastructure. Development may be phased so that water and wastewater infrastructure will be in place when and where needed. The impact on designated sites of important biodiversity will be considered to ensure the required infrastructure is in place before any environmental effects occur.”

7. Section 17 monitoring

This section should include indicators and targets in relation to CC9 monitoring of the ecological and chemical status of the water bodies within and downstream of Exeter in order to consider how development may not only be affecting but positively contributing to the achievement of good ecological status. The target for water bodies is to achieve Good Ecological Status by 2027⁸. Without any monitoring there is now way of demonstrating that the policy and its impacts is effective.

Suggested wording:

Indicator: number of waterbodies within and downstream achieving good ecological and chemical status

Target: 100% of water bodies in Exeter achieving Good Ecological Status by 2027 and chemical status as soon as possible.

Delivery mechanism: Exeter Local Plan, collaboration with stakeholders and partnerships and developers.

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)

⁸ [Exeter Plan: Publication Plan](#) p 479

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)

East Devon District Council is producing a Water Cycle Study. Given that Exeter and East Devon are working on Local Plans and are at similar stage it is reasonable to assume that such a study would be an important part of the evidence base of the Exeter Local Plan to the Councils to work together to plan for sustainable growth. They would be able to jointly identify any constraints on planned housing growth that may be imposed by the water cycle and how these can be resolved i.e. by ensuring that appropriate Water Services Infrastructure can be provided to support the proposed development, including the planning policy required to deliver it, ensure water quality, water supply and the management of waste water. Such a joint plan Exeter and East Devon New Growth Point Water Cycle Study Outline Study Report was produced in 2010⁹

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)

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)

Waste Water The HRA highlight the uncertainty in relation to waste water management (emphasis mine)

6.23 "Whilst it should be expected that all existing wastewater treatment works that lie within the catchment of the Exe Estuary operate within their licensed conditions and that all have capacity to accommodate predicted levels of growth, this is not known to the Council for certain and there is some evidence in the public domain they are not. On the other hand, licenses for all wastewater treatment works and any changes to these would have been subjected to project-level HRAs and would not be permitted to operate if adverse effects could not be ruled out."¹⁰

In light of this and the advice set out in PPG Water supply, wastewater and water quality ¹¹ Policy CC9 para 5.44 does not address

- identifying suitable sites for new or enhanced waste water and water supply infrastructure. existing and proposed development in the vicinity of a location under consideration for water and wastewater infrastructure
- phasing new development so that water and wastewater infrastructure will be in place when and where needed.
- The impact on designated sites of importance for biodiversity should be considered to ensure the required infrastructure is in place before any environmental effects occur.

⁹ [Microsoft Word - Exeter WCS Report Issue 4b 3_cjh 2 .doc](#)

¹⁰ [wgrickznejuftwitysqxl.pdf](#)

¹¹ [Water supply, wastewater and water quality - GOV.UK](#)

Given that the [Drainage and wastewater management plan | South West Water](#)¹² is a strategic document it is important that in order to be effective policy CC9 include strategic policies to join up this plan with development proposals. The policy is currently ineffective as it is silent on waste water.

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)

As councillors (some of whom have sat on the planning committee) we have experience of trying to work with planning policy in practice and how planning decisions are taken within the Council.

As ward Councillors we have experience of how planning policy affects the community and local environment and the extent to which it may or may not be effective in achieving the stated policy outcomes. We are also advocates for our communities and have identified where planning policies are not effective in terms of meeting positive planning outcomes for our communities and local environment.

The issues we have commented on in these representations are ones which concern us most (having made previous representations). However, it should be noted that, there has been no opportunity for formal Scrutiny (as set out in the Local Government Act) of the local plan policies, despite our numerous formal requests. While the strategic direction was set by the administration and approved by Council it should be noted that the emerging plan policies have not been subject to any formal political oversight, for example in a council strategic planning committee. Our group has objected to the process. We are therefore having to make a number of representations to the Inspector on the matters that will have the most impact on our communities and environment.

¹² [Drainage and wastewater management plan | South West Water](#)

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.

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