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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 Moore, 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	EX1 1JN
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

Policy

H11

Policies Map

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)

1. By only defining Gypsies and Traveller in terms of planning policy, the policy H11, and the supporting evidence¹, fails to recognise that Gypsies and Travellers often suffer disadvantage or

¹ [Exeter Gypsy and Traveller Accommodation Assessment September 2024](#)

discrimination and have protected characteristics i.e. race, as set out under the Equality Act 2010. Gypsy, Roma and some Traveller people are protected against discrimination under the Equality Act 2010. Romany Gypsies, Scottish Gypsy/Travellers and Irish Travellers have all been declared by the courts to be protected as “races” under the Equality Act 2010². Additionally, under the same provisions the plan fails to recognise the Roma community and their specific needs.

2. Public Sector Equality Duty: The policy says (emphasis mine):

“Development proposals for Gypsy and Traveller pitches or plots for Travelling Showpeople will be supported when:

...

There is no unacceptable harm to the amenity of neighbouring residents; ...”

This compares unfavourably and is not consistent with other policies such as that for students in PBSA, which has an alternative clause:

“H10 Are in single ownership and control and professionally managed in accordance with a Management Plan;...”

The Council must consider its Public Sector Equality duty³ to

- eliminate unlawful discrimination, harassment, victimisation and any other unlawful conduct prohibited by the act
- advance equality of opportunity between people who share and people who do not share a relevant protected characteristic
- foster good relations between people who share and people who do not share a relevant protected characteristic

The Equality Act prohibits direct and indirect discrimination, which could be the result of this policy. In particular indirect discrimination can arise where a policy or practice which seems neutral actually puts a person with a protected characteristic at a particular disadvantage.

The Council also has a duty: “*Advancing equality of opportunity*” means having due regard, in particular, to the need to:

- remove or minimise disadvantages suffered by people due to their relevant protected characteristics
- take steps to meet the different needs of people who share a relevant protected characteristic
- encourage participation in public life or any other activity by underrepresented groups
- take steps to meet the different needs of disabled persons

The policy or supporting evidence in the assessment provides no evidence that Gypsies, Roma and Travellers themselves or such site or pitches might result in “unacceptable harm” to the neighbourhood.

² [Tackling inequalities faced by Gypsy, Roma and Traveller communities - Women and Equalities Committee - House of Commons](#)

³ [Public Sector Equality Duty: guidance for public authorities - GOV.UK sections 149 to 157 of the Equality Act 2010](#)

The policy also fails to set out how it will affect people with different protected characteristics (i.e. race) compared to others in the population. The policy H11 is therefore detrimental to people with one protected characteristic more than it would be to others.

The policy requires public bodies to monitor the actual impact of the policy so the provision of sites and pitch and its management plan should be monitored to ensure that it is meeting needs in the community.

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)

1. The recognition of Roma community in relevant policies (H11) and preamble, to provide recognition in line with the Equality Act

2. To remove discrimination and advance equality of opportunity, remove reference to

"Do not result in unacceptable harm to the amenity of neighbouring residents"

replace with:

"Are in single ownership and control and professionally managed in accordance with a Management Plan."

removed reference to 'cultural' in H1f as this is not defined and does not recognise the protected characteristics of race and the planning definition covers race and culture:

H1f "Occupation is limited to households that meet the Government's published definition of Gypsies and Travellers or Travelling Showpeople, ~~or who are cultural Gypsies and Travellers or Travelling Showpeople;~~ and"

3. To monitor impact of the policy in line with the Equality Duty, Include in the monitoring section an Indicator, Target and Delivery Mechanisms in relation to H11

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)

The Policy preamble says “assessment indicates a need for five permanent pitches.” The Policy itself sets out when sites will be supported. However, the policy provides no evidence it will be deliverable or effective and is inconsistent with other policies set out in the plan because:

1. The evidence⁴ and preamble says there is a no need for a site, but 5 pitches are identified as a need (so one site in effect), but the policy expects that a site will be provided through the market - this policy approach has failed over the last plan period with no sites being delivered. This results in Gypsy, Roma & Travellers sites being set up on private land such as car parks, the Public Highway, or in parks - and the Council then spends money on evictions and barriers. These situations undermine community cohesion. This situation is reflected in the stakeholder view in the Assessment report: *“Existing provision does not appear to be sufficient, taking unauthorised encampments into consideration.”* [P25]
2. The policies set out an obligation to meet the needs of Gypsies, Roma and Travellers Policy H4 preamble identifies *“The City Council may accept the provision of affordable serviced plots for custom and self-build homes, supported homes, homes for older people and accommodation for **Gypsies and Travellers as contributing towards the affordable housing requirement**, provided that these homes comply with the definition of affordable housing in the National Planning Policy Framework and the requirements of this policy;”*

and then goes on in 6.1 to say

*“6.1 The Exeter Plan helps to address the shortage of affordable homes in the city and provide the good quality accommodation we all need..... **Gypsies and Travellers all have specific housing needs which we need to meet.**”*

However, the policy H11 fails to demonstrate how these needs will be met as a site is not allocated and the LPA has not sought to identify any sites. Moreover, the policy fails to demonstrate how the *affordable housing needs* of Gypsy, Roma & Travellers set out in policy H4 *“prioritises the delivery of homes for social rent above affordable rent,”* Therefore the Council should be identifying and through the policies in the plan ensuring provision of affordable site for 100% affordable rent. This site could be managed by the Council itself or by an affordable housing provider (as others are in the South West) in order to ensure the delivery of pitches and that they are affordable.

⁴ [Exeter Gypsy and Traveller Accommodation Assessment September 2024](#)

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)

In line with planning policy guidance⁵ to add to the policy H11, introduction:

"The Council will identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against locally identified need."

Note there is a missing word in g

g. In the case **of** permanent accommodation, it delivers affordable housing in accordance with Policy H4.

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)

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

⁵ [Planning policy for traveller sites - GOV.UK](https://www.gov.uk/guidance/planning-policy-for-traveller-sites)

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)

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 joint working arrangements or 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 on numerous occasions. 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.

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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