

Planning Policy Team
East Devon District Council
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Honiton,
EX14 1EJ

Our ref: DC/2021/122149/CS-01/SB5
Your ref: Second Regulation 19 consultation

Date: 23 January 2026

Dear Ms Renshaw and Mr Dickins,

**Re: Emerging East Devon Local Plan 2020-2040
Second consultation of Regulation 19 Publication Draft Nov 2025 – Jan 2026**

Thank you for your email of 28th November providing us with the opportunity to comments on this second regulation 19 stage draft of the East Devon Local Plan.

Content of response:

1. Soundness
2. Revisions to the second regulation 19 plan draft
3. Infrastructure Delivery Plan
4. Flood Risk
5. Water Cycle Study
6. Marlcombe New Town
7. Draft Statement of Common Ground

1. Soundness

Several policies within the plan are reliant upon the Water Cycle Study (WCS) to evidence that the growth associated with them will not have either an unacceptable detrimental effect on water quality, or will be serviced by adequate water resource. We consider that the WCS is not evidenced, and makes conclusions which are not supported by the data and is therefore inadequate to inform the plan. As a result, the EA regard policies SP01: Spatial strategy, Strategic Policy SP07: Delivery of infrastructure, Strategic Policy SP08: Phased Delivery of Infrastructure and Services, Strategic Policy PB01: Protection of internationally and nationally important wildlife sites, PB02: Protection of regionally and locally important wildlife sites, WS01: Development of Marlcombe new community east of Exeter and AR02: Water quality and efficiency to be unsound insofar as they are not positively prepared, justified or consistent with national policy.

Chapter 3 of the NPPF explains how soundness is determined in plan-making (paragraph 36). In regards to the plan being positively prepared (para 36(a) of the NPPF), due to the submission of the WCS at the late stage of the second regulation 19 consultation, its lack of alignment to the submitted Infrastructure Delivery Plan (IDP) specifically regarding waste water treatment facility delivery, and lack of clarity on whether/when a Marlcombe-specific IDP will be submitted, it therefore fails to meet the area's objectively assessed need regarding infrastructure.

In regard to the plan being justified (para 36(b) of the NPPF), in specific reference to Marlcombe New Town, the submitted WCS fails to adequately assess the water quality and resource issues in the plan area posed by the level of growth, or make suitable, robust policy recommendations. Therefore, the Marlcombe Vision document is not supported by adequate evidence. In addition the specifically proposed and mapped alternative proposal to mains drainage (10 Package treatment Plants to be installed) is not justified as a reasonable environmental alternative to mains nor supported by

proportionate evidence as to why this is necessary and as such is considered environmentally unsustainable.

With regard to the plan being consistent with national policy (para 36(d) of the NPPF), in light of the above points, the plan fails to adequately evidence compliance with the national planning policy framework paragraph 187(e) which states: “*Development should, wherever possible, help to improve local environmental conditions such as air and water quality*”. And 20(b) “*Strategic policies should set out an overall strategy for the pattern, scale and design quality of places and make sufficient provision¹² for: infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat)*” .

A full explanation of the EA’s concerns about the WCS can be found in sections 5 and 6 of this response.

We must reserve judgement on the soundness of the plan regarding SFRA evidence base at this time because further work is required by JBA to complete this evidence base. The EA is continuing to liaise with JBA Consulting on this matter.

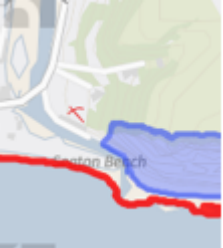
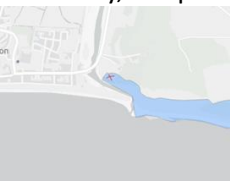

2. Revisions to the second regulation 19 plan draft

We recognise that in many cases, our comments in response to the first regulation 19 consultation have been taken on board and incorporated into the plan in this draft which is welcomed. We have the following comments on the second draft which would strengthen the plan and aid in ensuring the policies’ effectiveness when applied in Development Management:

Policy	Comments
Ch4 - WS01: Development of Marlcombe new community east of Exeter	<p>We are disappointed and concerned that the ‘Waste Water treatment Works’ section has been entirely removed. As can be seen in this response, the management of waste water (as well as the supply of water) to the new town is a key issue which remains unresolved at this late stage of the plan production.</p> <p>The Marlcombe Masterplan (figure 7) indicates the use of 10x package treatment plants to serve the site without any additional detail on how this is a sustainable option.</p> <p>Paragraph 4.8f states that: “<i>Further details and policy expectations... will be set out in future planning policy documents. This could include the production of one or more of a Supplementary Planning Document, Area Action Plan or a stand-alone Development Plan Document.</i>” A stand-alone DPD may be an appropriate mechanism to set out the necessary details of the new town. However, if it is to be a less-binding document then many of the issues (such as the water resources and wastewater) need to be dealt with in the local plan.</p>
WS06: Employment land east of airport AND WS07: Employment land north of the airport, adjoining Treasbeare AND	<p>These policies all indicate that the results of SFRA 'should' be incorporated into the development/ proposal. We suggest stronger wording that evidence from the SFRA ‘must’ or ‘shall’ be incorporated, or inform the development proposal. This provides clarity for developers on what would/not be acceptable on site from a flood risk perspective.</p>

WS08: Employment land opposite airport buildings, south of A30	
AR01: Flooding	<p>We are pleased to see several revisions to this policy based on our previous comments. We are also supportive of the guidance to developers in paragraph 7.2, encouraging early discussion with all relevant parties. We do however suggest a minor change to the wording of: “early in the planning process to assess flood risk, prior to writing site-specific FRAs...”</p> <p>We have been undertaking a review of the Critical Drainage Areas (CDAs) in Devon in recent months, and guidance will be published in due course. It may be prudent to include in the supporting text for policy AR01 the clarification that, in CDAs, the discharge standards set in the CDA will normally take precedence over any nationally set standards including the new DEFRA SuDS standards (schedule 3) (National standards for sustainable drainage systems (SuDS) - GOV.UK) which are expected to be published in the near future.</p>
AR02: Water quality and efficiency	<p>The matter of water quality and resource is extremely significant in the context of growth in East Devon. For this reason, we would suggest that it could form its own chapter within the plan, rather than being a sub-heading under adaptation to climate change, the implication being that water quality and supply are framed around climate change. Alternatively, the chapter could be called ‘Environmental management and Climate Change’ to indicate the significance of water in the Plan. We would also suggest that splitting paragraph 7.4 into two separate paragraphs, one for water quality and one for supply/resource could make it clearer to readers.</p> <p>We suggest that in this section of the local plan, the legislative requirements to protect and enhance water quality and water-based protected areas within East Devon should be stated, as well as EDDCs ambition to ensure no deterioration and further enhancement/recovery.</p> <p>Section 7.4 of the introductory text states: <i>“Population growth and climate change put pressure on the quality of water resources and these factors, plus environmental protection measures, also contribute to water stress.”</i> We feel that this wording is misleading and puts a negative connotation on environmental protections and they sound like the cause/problem. Environmental protection measures do not cause water stress, instead, it is the human impact which is causing water stress and environmental protection measures are a solution needing to be accommodated for that reason. It should be explained what the relevant environmental protection measures are in this context.</p> <p>The following sentence should be revised: <i>“East Devon is part of the Devon East management catchment and has water bodies in all of its operational catchments.”</i> Every operational catchment has waterbodies. It would be better to say how many operational catchments the EDDC boundary overlaps with.</p>

	<p>It would be more accurate to say “freshwater and marine” water bodies rather than “terrestrial and marine”. This section should also outline how the classification scale works (i.e. high, good, moderate, poor, bad) and which year the classifications are from.</p> <p>In the supporting text, there should be refence to the legislation for protecting the water environment. It does not only promote improving water quality. There are legal obligations for LPAs to ensure no deterioration as a result of development.</p> <p>We also consider that the wording of: “If development is not properly undertaken, the ecological status of these water bodies may decline and there are nationally and internationally recognised designations that could be detrimentally affected.” also lacks clarity. This sentence could start with: “If development is not delivered sustainably, the ecological status of etc.”</p> <p>In regards to the policy AR02 wording: <u>Point A part 3</u>: “overload the sewer system” is too ambiguous. It should be “cause an exceedance in permitted threshold(s) within the sewerage system” this makes this point in the policy quantifiable, and objective.</p> <p><u>Point C</u>: this part of the policy is not ambitious. It should read: “All development must implement water efficiency, water storage and water recycling measures. All development must achieve at least the Optional Technical Housing Standard, currently 110 litres per day per person, for water efficiency as described by Building Regulation G2”. (suggested changes in bold, altered to account for the current consultation on building regs).</p> <p><u>Point D</u> can be more ambitious and could instead read as: “All development proposals must demonstrate what measures will be incorporated to enhance the water environment.”</p>
AR03: Coastal Change Management Areas (CCMAs)	<p>We are pleased to see that the approach recommended in the Coastal Change Topic Paper CCF-006 (designated in the land between the high-water mark and whichever is the most landward line of either the ‘Plymouth’ or the NCERM 2105 Climate Change (Upper End) lines, with the exception of the land east of the River Sid) has been taken.</p> <p>We would support the production of supplementary planning guidance to support/guide officers in making decisions in/near CCMAs and for assessing/using coastal change vulnerability assessments.</p> <p>The language of ‘Short-’, ‘Medum-’ and ‘Long-’ term risk in the policy maybe misleading. It could be read that the risk ‘goes away’ after the ‘short term’, but this is only a matter of clarity of readers.</p> <p>In general, however, this policy builds on itself to provide a logical indication of what can/not be supported in these vulnerable areas.</p> <p>In regards to the designations themselves, there are two CCMAs which we query:</p>

	<p>The Seaton CCMA extent has changed from the first reg19 draft version. We would suggest that the change is reversed on this one, to include the area with the red cross (below) because, even though it is outside the NCERM data, it will be beneficial to have the opportunity to manage development in this area in line with the CCMA policy.</p>  <p>For clarity, the previous CCMA extent is shown below:</p>  <p>In addition, regarding the Beer CCMA, it is unclear why there is now a missing section in Beer (in the section between the two designations where the red cross is below, when this whole stretch is included in NCERM:</p> 
<p>SE02: Employment development in the countryside</p>	<p>We support the additions to this policy, especially that regarding drainage management from the new agricultural buildings. We suggest a small re-working of the first sentence of point D of this policy for maximised effectiveness: <i>“All clean roof and surface waters will be drained separately from foul drainage, stored and its reuse incorporated into the business process. Foul drainage will not discharge to any watercourse in order to prevent pollution of the water environment.”</i></p> <p>There is no mention of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) Regulations 2010 (known often as the SSAFO regs) in this policy or its supporting text. It could be prudent to include in the supporting text that developments must also comply with the SSAFO regulations.</p>
<p>PB01: Protection of internationally and nationally important wildlife sites</p>	<p>Whilst we will defer to Natural England's' position/comments on this policy as it sits firmly within their remit, we offer the following revisions of the first part of the policy (middle of page 242) for clarity to the reader: <i>“Where assessment fails to rule out effects on integrity, the development proposal will not be permitted unless mitigation measures are established that can be shown to be effective, with clarity provided in respect of means and assurance of implementation.”</i></p>

3. Infrastructure Delivery Plan (IDP)

The revised IDP (November 2025 – Version 2) has incorporated some of our previous comments which is positive. However, we raise the issue of a lack of detail around water supply/treatment infrastructure to the proposed new town of Marlcombe and how that infrastructure will be delivered in a timely manner. There is further detail on this topic later in our response. The Draft Statement of Common Ground on Environment and Infrastructure Version 01 (10/12/25) paragraph 6.3 states that “A separate IDP for Marlcombe will be published later.” Whilst this may be the most appropriate option, an adequate understanding of what infrastructure is needed to support the town is required now, in order to plan for it. This means that the allocation must be supported by a robust evidence base. Therefore, it is only acceptable for the Marlcombe IDP to be done at a later date where it is understood that it is feasible to deal with foul waste, surface water, water demand and flood risk in a way that supports sustainable development and nature recovery. Furthermore, in the absence of a Marlcombe-specific IDP at this stage, the local plan policy (WS01) should heavily emphasise the need for high environmental sustainability standards for new buildings otherwise there is a risk of disjointed infrastructure delivery as the need becomes more urgent as the new town is developed.

There should be a note in the IDP around its alignment to the Drainage and Wastewater Plan (DWMP). It should identify the relevant DWMP catchment chapters; summarise planned/committed upgrades affecting East Devon; and confirm how local plan phasing/policies will be aligned to those DWMP milestones.

4. Flood Risk

(a) Impact of NaFRA2 on Level 1 and 2 SFRA

The additional five sites requiring level 2 SFRA have now been undertaken using the current published data i.e. NaFRA2. We are engaging with JBA consulting in regards to the production of the SFRA work as part of our Planning Advice Service. An update will be provided in due course.

(b) CDAs

We feel that section 3.14 should be revised to the following (**bold** are the changes):

“3.14 Critical Drainage Areas

Each **CDA** area has been allocated using the Critical Drainage Areas (CDAs) **qualifying criteria** and those sites within a CDA have been noted within the site screening process. It is important to note that any sites within a CDA have to **meet the standards set out within the CDA document** and the Devon District Council website states that: ‘All new development will have to play their part in reducing current rainfall runoff rates. The SuDS hierarchy should be followed, by using infiltration as far as is practicable. All off-site surface water discharges from development should mimic “Greenfield” performance up to a maximum 1 in 10-year discharge rate **and follow the new national standards for Sustainable Drainage Systems**. On-site all surface water should be safely managed up to the “1 in 100-year+climate change” conditions. This will require additional water storage areas to be created thereby contributing to a reduction in flooding downstream.’ It is therefore important that any sites within a CDA are **assessed** accordingly and the LLFA and the EA are consulted early with regards to the development site.”

5. Water Cycle Study

We are pleased to see the submission of the Water Cycle Study (WCS) (Ref.: -HAS-XX-ZZ-RP-Z-0001 dated 18th November 2025 by Haskoning). However, given the timing of the submission, we are not confident that the findings of the report have been sufficiently embedded into the plan draft.

Furthermore, there are some key deficiencies of the document, which we outline below. These should be addressed in order for your authority to make informed decisions on the planning policies, allocated development and, especially the proposed new town of Marcombe.

(a) Water Resources

The water resources section of the WSC only considers water availability and does not consider if water supply infrastructure is sufficient for the proposals in the local plan. This matter should be part of the study because existing water treatment works or pipelines may require upgrades to provide the additional water quantity required. New infrastructure will definitely be required for Marcombe new town. The Infrastructure Delivery Plan includes some clean water infrastructure projects but these need to be brought into the narrative in the WSC.

The South West Water (SWW) Water Resources Management Plan 24 (WRMP24) was prepared in 2021 – 2022 and it is not clear if the anticipated population growth in East Devon, including the new town of Marcombe, was included fully in the future water needs for the modelling supporting the WRMP24. This should be confirmed by SWW and included in the WSC document.

The WSC only considers housing, agriculture and amenity. There is no mention of future industrial water use in East Devon. With the increasing interest in the development of energy generation to achieve the Government's ambition of net zero in 2030 and expansion of data centres. The local plan does not appear to have considered this potential for water use. Water is key to proposals for hydrogen gas generation to use as fuels and data centres can choose to use water for cooling.

The approach the water companies take for the statutory 25-year water resources management plans is an adaptive approach, recognising that the plans will need to flex and adapt. Although Cheddar 2 reservoir is in the preferred plan to provide additional water to the Wimbleball water resources zone, this is not guaranteed and the WRMP24 includes alternative scenarios. The WSC does not include reference to this uncertainty and subsequent impacts on the plan, nor does it draw any conclusions regarding how this should be recognised as a risk.

The reference to the water availability in the waterbodies in East Devon from our abstraction licensing strategy and the conclusions drawn from this regarding water resources risks at Otterton, Fairmile and Fenny Bridges are not correct. These water resources risks would only apply if the new developments were not supplied by South West Water.

Overall, it is disappointing that there is a lack of detail in the information to explain where the supply of water for the new developments, especially Marcombe, will come from. The granularity is not provided to demonstrate, for example, that there is sufficient water for Marcombe and also for Honiton. There are infrastructure constraints within the water supply network which are not explored or considered by the WSC.

Increases in sewage discharges into the lower River Exe and Exe Estuary, causing a resultant deterioration in water quality in the receiving water, have the potential to impact on salmon which need to migrate to the River Barle SSSI in the upper Exe catchment. Salmon are a notified species for the SSSI. This risk is not considered in the document.

Increases in sewage discharges in the River Otter and the risks identified for river water quality could have consequences for groundwater quality and hence, the raw water abstracted by South West Water in the boreholes in the lower Otter. This connection between the Water Quality and Water Resources elements of the WSC is missing and needs to be considered.

Paragraph 4.1.2 'East Devon Abstraction Licencing Strategy' contains factual inaccuracies. It references "several seasonal winterbournes which dry up for period along some stretches. SWW abstracts significant volume of water for public water supply from groundwater sources in the upper and middle reaches." However, there are no winterbournes in East Devon, and the SWW abstractions are in the middle and lower otter, not the upper.

The map below is also incorrect. Paragraph 4.1 states that the SWW Wimbleball WRZ boundary is the black line on the map below (figure 4.1 in the WCS). However, the area around Starcross and Dawlish is within the Roadford WRZ. A map showing the correct boundary would be available from SWW. The WCS is correct in saying that East Devon is within Wimbleball WRZ, so this is not a material change required to the report, merely a correction of background information.

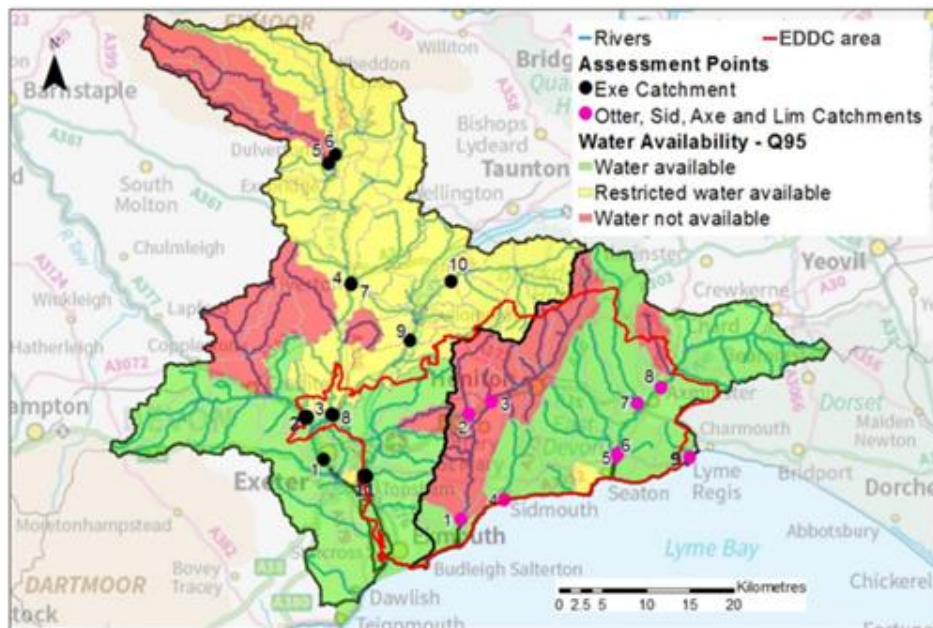


Figure 1. – Figure 4.1 in the WCS

Overall, in regards to water resources, the timing of delivery of new dwellings is important when considered against the SWW WRMP24. The Cheddar 2 reservoir proposal is planned to be ready by 2035 but there is considerable risk associated with this delivery date due to the significant size of the scheme. It was not clear in the WCS if a delivery date of 2035 for Cheddar 2 was considered early enough to meet anticipated demand in the next 10 years or if this is a risk. Similarly, Whitecross distribution improvement is not due until 2030.

(b) Water quality

As the WCS is currently written, with regards to water quality, the document lacks clarity, is missing important pieces of information and in some places appears confused and difficult to understand. We would not consider it to be evidence-led in its current form and makes conclusions which are not supported by the data and require some work to provide a proper understanding of the impacts and mitigations that will be required. The RQP runs (River Quality Planning model) should have been completed for all freshwater sites, not just those with less than 10% headroom post growth, to fully understand the impacts and account for current permits that may be old and not protective of the environment. For the RQP runs and DWF (Dry Weather Flow) projections, none of the input data used or assumptions made were provided, so we cannot assess the validity of the conclusions drawn. There were many data gaps in the RQP runs for P, NH₄ and BOD, which leads us to wonder why

SAGIS-SIMCAT (the model) was not instead used for the modelling component of the study. If the methodology used for RQP runs and DWF projections is available, could it please be provided as an appendix?

EDM (Event Duration Monitoring) data was inconsistently analysed throughout the WCS and requires further work. We also found that waterbody status under the Water Environment Regulations 2017 was not properly considered in the results. As the Axe is the only nutrient neutrality catchment in East Devon, it would be helpful to separate this out into its own section, as the environmental quality targets that we are aiming for in the Axe (CSMG [Common Standards Monitoring Guidance] targets) are more stringent than in the other catchments. Lastly, AMP8 WINEP improvement schemes at South West Water's assets were not considered in the study, and should be factored in.

It is not clear from the WCS to what extent SWW has been consulted or where their evidence has been used to identify the high-risk areas within East Devon. It would be a useful part of the process to understand where SWW's own planning department has identified current or future capacity issues that may limit development and what the measures are to address this.

In addition:

- The WCS fails to reference bathing Waters and Shellfish Waters as protected areas and potential risks from growth, mitigation measures etc.
- The outcome of the modelling for Kilmington STW was green: limit deterioration to 10%. However, this site discharges into a failing HD site and we would not offer a 10% deterioration under this scenario.
- We suggest that the WCS takes into account the potential requirement for new permit limits as a result of growth or any Urban Waste Water Treatment Directive requirements, if population equivalent thresholds are crossed at an STW.
- The WCS should explicitly state the requirement for developers to offset nutrients in the Axe catchment, due to nutrient neutrality status.
- The WCS doesn't reference the environment destination investigations in AMP8 that may affect water availability from AMP9 onwards. It should consider them and the potential to affect the water cycle in East Devon.
- In general, there is no consistent approach to discussing the condition of infrastructure across East Devon and the potential impact of increased growth, risk to the environment, mitigation etc. This is a key factor when planning growth across the district.
- As the Axe catchment is the only nutrient neutrality catchment in East Devon, it may be beneficial to have a separate River Axe/Axe catchment section. We are aiming for CSMG (Common Standards Monitoring Guidance) targets here, not WFD. This should be made clear and appropriately reflected in the modelling outputs.
- There is very little discussion around EDM data or a lack of capacity within networks beyond considering dry weather flow.
- The WCS concludes that the developer needs to provide information on impacts, but this will be too late. The granular detail is required now in order to appropriately guide development.
- Within the WCS, or the plan itself there should be an indication that your authority is taking ownership of aligning the local plan policies to South West Water's plans for upgrades and improvements. Ongoing engagement with SWW is needed to progress development and avoid issues with water supply and quality impacts.

We provide the following comments on specific elements of the Water Cycle Study

Section/Para	Comments
1.1 Background	Regarding the first bullet point of this section, wherever possible, surface water should be removed from the foul drainage system. The third bullet point states that the WCS will ensure “there is good water quality within the local catchment’. The review should go further than just assessing if there is good water quality. Indeed, there is not clarity on the definition of ‘good’ being used here. It should be in the context of WFD. Ultimately developments should not impact current WFD class or prevent getting to Good in the future (this is stated later in the document under section 3).
1.2 Overview of East Devon area	On the map of the area Figure 1.1 it appears that some of the STWs sit on the EDDC area boundary. The WCS should consider growth outside the area which would impact the STWs, or at least recognise that there may be more flows from growth outside the catchment.
3.1.1 Assessment of developments	The bullet points on page 25 pose several questions. We would expect the WCS to answer these questions, rather than the inference that your authority do so. Within Table 4.5, Honiton STW is not showing as exceeding its DWF limit, when it has done so since 2019. We would question whether there are there any other sites that are exceeding DWF and also aren't accurately reflected in the table.
5.1.4 Wastewater treatment capacity	The headings on table 5.5 need to be clarified.
5.1.5.1 Water Environment Regulations: water body status	The description of Table 5.7 does not read clearly, this needs to be clarified.
5.1.7 Planned investment at Exmouth Maer Lane	This section does not mention AMP8 WINEP scheme for ND for shellfish. Please see the WINEP dataset: https://environment.data.gov.uk/dataset/39b11ea0-3cfa-4cbb-b3a1-b5950019f169
5.1.8 and 5.1.9	Previous updates to Exmouth Maer Lane and Countess Wear are detailed in these sections. However, it is not clear why these two have been singled out from the other SWTs listed. The rationale for this should be provided.
5.1.10 Exmouth CSO performance between 2018 and 2024	This section should be structured differently. The title suggests Exmouth to be discussed but then text goes into CSO general performance across multiple assets. The section on Countess Wear does not reference the Shellfish Water and incorrectly appears to suggest that the Environment Agency is the regulator responsible for SPAs and Ramsar sites. Further, we question why has the WCS used EDM data from " <i>the Rivers Trust detailed CSO performance</i> " instead of primary sources from SWW or gov.uk?
5.1.10.1 Critical areas	For Table 5.9, we question why was 2020 not used to compare spills against? And, how was the Future data trend considered? Details on these points should be provided within the WCS.
5.2.1 Sewerage network	The first paragraph of this section states: “Increased discharges from WwTWs may have an adverse impact on flood risk...” It is not only flood risk that should be considered from increases in discharge but the water quality of the receiving water courses due to pollution incidents. No assessment has been done of sewer capacity and whilst we would not expect one, it should be acknowledged and linked to DWMP outputs.

5.2.2 Wastewater treatment capacity	In regards to Table 5.10, detail is required on who the projected DWF were calculates and what is the forecasted PE. Additionally, what year is the projected DWF for? And what year is the Future capacity for? It is not clear how the future capacity has been derived.
5.3.1.1 Overview of approach	Regarding input parameters, where there were no effluent quality info assumptions were made. Did all sites have predicated upstream flows from National River Flow Archive? This type of modelling approach does not take into consideration improvements through WINEP at sites especially for P. Please see the WINEP dataset for PR24: https://environment.data.gov.uk/dataset/39b11ea0-3cfa-4cbb-b3a1-b5950019f169 . Three sites have been identified to be on the same waterbody, Dunkeswell, Feniton and Fluxton, how were these assessed independently of each other? There should be an in-combination assessment particularly for P. This should be done also for those sites discharging into the SAC.
5.3.2 RQP modelling assumptions	In this section, only sites with less than 10% headroom post growth reviewed. All FW sites should have been reviewed with potential flow scenarios where growth forecast. The current permit may be old and not protective of the environment. This section indicates that sites discharging into the SAC will be assessed. However, Musbury, Tatworth and Hawkchurch have not been assessed and discharge into the Axe SAC. The WCS should explain how has current non-compliance in DWF has been expressed in the RQP runs.
5.3.3 Model Outputs	We have several comments/questions regarding Table 5.14 RQP modelling results: <ul style="list-style-type: none"> • The table requires units and a comment in the summary on the permit limits required and if these are technically feasible and a discussion around what this means. • With so many sites with no data available, was there consideration to using another tool? I.e. SAGIS-SIMCAT. From the results, there are many sites with no information to base a level of risk on. • The table is also missing what WFD status the permit is set to protect. Where a site is at 'Bad' status we would not allow a 10% deterioration, this would also apply where a discharge is impacted a protected site. • For NH4 were non-parametric distributions considered? • We request that the RQP runs are shared – we need to see the values used and assumptions made for quality and flow in order to properly assess these. • More information is needed in the table to understand the results I.e. in table 5.10 Colyton has a current Permitted DWF of 783m³/day and the projected DWF is 762m³/day so within current permit and yet for BOD permit estimations all runs fail, the current permit is 27mg/l. • Were RQP runs for each WwTW run in isolation? Or was a holistic approach taken e.g. factor in the effects of proposed growth on water quality and flow of any upstream WwTWs in the catchment?

	<p>We consider that the summarisation of the table of results needs fully revising. The conclusions made are not backed up by the contents of the table where many sites have no data. Some of the statements contradict each other, for example “the existing permit limits for NH₄ are sufficient to prevent WER class deterioration from ‘Good’” (Note the current status for many of the rivers is at High status for ammonia [see Table 5.7] so it is the ‘High’ status that should be protected, not ‘Good’). The sentence then goes on to say “<i>achieving no more than a 10% increase in NH₄ concentrations at any WwTW though conventional treatment upgrades is highly unlikely. This is because none of the existing WwTW configurations can meet the required river quality targets, regardless of achievable effluent concentrations.</i>”</p>
5.4 Load Standstill calculations	<p>With regards to Table 5.15 Results of load standstill calculations, the year/s which have been used for the Q80 value need to be identified/ provided. Was this from 1 year, or an average of several years? This will make a difference on the outcome of the calculations.</p> <p>It should be highlighted that the Headroom calculation is over simplistic and does not tell the whole story of capacity at a WwTW. Compliance performance (pollution incidents, flow to full transfer, EDM data) should also be considered when assessing capacity.</p> <p>How the future flow post growth is calculated needs to be explained. Also, please explain why the flow at Seaton South is less than current flow.</p> <p>For sites that are non-compliant, we would not calculate load standstill on the non-compliant flow but the permitted limit-specifically for Woodbury. The calculations for Countess Wear need checking.</p>
5.5 Summary	<p>This section states: “<i>Where WwTWs operate at or above 90% of their permitted capacity, further investigation is needed</i>”. For planning purposes, the Q80 is used to indicate where a site may need to increase its DWF, the Q90 (which will be lower than the Q80) is used to check compliance against the permit.</p>
6.3.1.2 Protected habitats	<p>As a general note, more discussion is needed on the impact to the protected sites.</p> <p>In relation to Table 6.4, summary of impact to protected sites should be reviewed. Sites where there is no information have been deemed to have no impact from increase in flows. This is not evidence-led. It should be acknowledged that RQP provided information at point of discharge and not at a catchment level.</p> <p>Table 6.5 states that “nutrient neutrality problems may arise” in relation to Honiton STW and the Otter SSSI, but the Otter catchment isn't a nutrient neutrality catchment.</p>
7.1.1 Development in East Devon District	<p>This section states that “<i>development in East Devon needs careful planning to mitigate potential risks associated with increased flooding and to ensure sufficient capacity in water supply and sewerage systems</i>”. Whilst we agree with this statement, this would be an appropriate point at which to emphasise that your authority also needs to take ownership of engaging with South West Water.</p>
7.1.3 Wastewater collection, treatment, and water quality	<p>This section starts with the statement: “<i>Most major rivers in East Devon currently fail to meet physio-chemical standards for P, NH₄ and BOD...</i>”. However, it is unclear whether this is true in full, or just for P. Table 5.7 shows BOD and NH₄ at ‘High’ status.</p> <p>The first bullet point in this section refers to P results but does not mention improvements via the WINEP have been made and the impact these may have on future achievability of targets.</p> <p>The second bullet point refers to NH₄. However, this summary is difficult to understand, and our above comment on the WINEP applies here too.</p>

	Comment should be made where below TAL permit limits were identified in the RQP modelling.
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(c) Required alignment with Drainage and Wastewater Management Plan (DWMP)

DWMPs are now a statutory requirement under section 94A of the Water Industry Act 1991, following commencement of the Environment Act 2021 provisions. WCS conclusions and phasing should be explicitly cross-checked against DWMP risk assessments, investment needs and timing for relevant catchments and WwTWs (e.g. Countess Wear, Honiton, Fluxton, Maer Lane, Otterton).

DWMP guidance expects Water companies to evidence available capacity, current/future demand, environmental risks, and the measures and sequencing to mitigate those risks. The WCS should show how its recommendations align with DWMP measures and timescales, and where gaps exist, set out clear next steps for LPA–SWW engagement to resolve them.

We would request that your authority adds a short DWMP alignment note in the WCS which identifies the relevant DWMP catchment chapters; summarises planned/committed upgrades affecting East Devon; and confirms how local plan phasing/policies will be conditioned to those DWMP milestones.

We recommend your authority includes the following in the WCS/IDP and Local Plan text:

- Expand Policy AR02 to include a requirement for development phasing to be aligned with DWMP/Infrastructure delivery milestones, condition permissions and occupation on confirmation of wastewater capacity consistent with DWMP.
- Where a packaged plant is proposed, require a full environmental justification, monitoring plan, clear integration with DWMP measures, and time-bound transition to the strategic solution.
- To ensure growth proceeds without adverse environmental outcomes, we recommend the WCS and Local Plan explicitly align with the statutory DWMP frameworks, adopt an infrastructure-first phasing policy, and treat any NAV/package--plant proposals as exceptional, tightly controlled, and transitional with clear safeguards and integration to DWMP investments. We support the WCS identifying capacity constraints and critical actions.

6. Marcombe New Town

It is not entirely clear whether the ‘Vision’ document (A Vision for Marcombe September 2025) is one and the same as the ‘Masterplan’ which is referred to within the plan, or whether there is expected to be a ‘masterplan’ created as part of an SPD or DPD.

Many of the issues regarding water resources and water quality are directly related to the Marcombe New Community and have been considered in the section above in detail. However, it is worth adding that, in terms of water resources, section 6 (Infrastructure – Priority Social and Physical Infrastructure) makes no reference to the need to confirm that there is a sustainable source of water available for the new town. Waste water treatment provision is included as an early priority to underpin the delivery strategy but provision of water is also critical.

The timetable for delivery of Marcombe new community and how this may not align with the ability of South West Water to provide a water supply for domestic properties within this timeline in a sustainable manner is of key importance. Although the vision document identifies a potential

mechanism of package treatment plants to manage the risk of slow or no delivery of sewage treatment provision, there is no alternative possible for domestic water supply.

(a) Marlcombe vision document

A more detailed consideration of wastewater management and water quality, in the context of Marlcombe New Town, is needed within this document. The Vision documents states that the LPA “*have no control over South West Water*”. We would expect early and ongoing engagement with SWW to be part of the planning and phased delivery of the development, and this should be reflected.

The Aylesbeare Stream is currently at poor status for phosphate under the Water Environment Regulations (WFD) and the risk of permits not being granted for the 10 package treatment plants (as described in the vision document), should be appropriately considered when developing any alternative strategies for wastewater management. Evidence that there would be no deterioration from the new discharges would be essential, as well as a plan for the pathway to Good WFD status. Data for all sites would need to be assessed at the same time to ensure that cumulative impacts are appropriately considered.

Importantly, plans would need to be developed in close collaboration with South West Water and the Drainage and Wastewater Management Plan.

The Vision document suggests that the parallel approach for 10x package treatment plants would involve an Inset (NAV) Provider installing and maintaining the package treatment plants. This would require careful handling. NAVs can be appointed by Ofwat in limited circumstances and carry the same duties and regulatory responsibilities as incumbents; most NAV sewerage solutions rely on bulk discharge agreements back into the incumbent’s network and permitted assets.

Any off-network packaged treatment serving a whole new town increases cumulative environmental and regulatory risk unless there is a robust consents framework, demonstrable resilience, and integration with DWMP outcomes and receiving water quality objectives. We reiterate that the Plan, or WCS should identify the requirement for early joint LPA–SWW–Ofwat engagement to test NAV feasibility against DWMP commitments, asset capacity, and bulk discharge arrangements

The Local Pan should prohibit interim packaged-plant solutions unless they meet the same standards and monitoring expectations as a permitted WwTW, and are shown (via options appraisal) to be the best environmental outcome compared to strategic off-site treatment or timely expansion/upgrades under DWMP/AMP investment. This may be a point for a subsequent SPD/full masterplan for Marlcombe as suggested as an option in the Plan.

The plan should include safeguards that any NAV solution is transitional, time-limited, and aligned to DWMP long-term measures, with set clauses or planning conditions tied to commissioning of the strategic WwTW solution. These principles help avoid fragmented and hard-to-regulate assets.

7. Duty to Cooperate (Draft consultation dated 11/12/2025)

At this stage, we are content with the EA being named as a partner for the following topics:

- A01 Cross boundary impacts of Marlcombe
- A02 Cross boundary impacts of north of Topsham mixed use allocation
- W04 Water Quality and resources – impact of increased housing numbers

Whilst we think we would be a contributing partner on the following policy areas, due to concerns with the plan, we have further comments on the following topics:

- I01 – Delivery of supporting infrastructure

Paragraph 6.3 states that a separate IDP for Marlcombe will be published later. This is obviously not the ideal situation given that the local plan seeks to allocate the new town and the delivery of infrastructure, particularly for waste water and water supply is essential. Whilst it may only be feasible to publish the Marlcombe IDP later, there needs to be an adequate understanding of what infrastructure is needed to plan for, which means that the allocation needs to be supported by a robust evidence base. We therefore cannot agree with the statement that we ‘agree that the IDP sets out the infrastructure needed to support the local plan’.

- CO2 – Adaptation to climate change

Whilst the local plan does make good recommendations regarding climate change adaptation, paragraph 5.4 of the SoCG states that “a Water Cycle Study addresses water supply issues and has also informed the plan”. We do not agree with this statement.

- W02 – White Quality - River Exe Catchment

Whilst we may not have explicitly mentioned the River Exe in our consultation response to the first regulation 19 consultation, there was a heavy emphasis on the issue of water quality across the whole district. This matter is now highly impactful considering the findings of the submitted Water Cycle study, the lack of suitable mitigation strategy and the inclusion of the, now larger, Marlcombe New community. Paragraph 8.6 seems to miss out important factors when it says that the HRA does not identify credible risks, when, paragraph 8.1 identifies that the WCS found that the River Exe is at high risk from nutrient loading from the Countess Wear WWTW.

- W03 – Water Quality – Improving all East Devon water bodies

At this point, we are not satisfied with paragraph 9.11 which states that we “support strategic policy AR02 of the second Regulation 19 plan.” This response has set out the concerns regarding policy AR02 and the supportive evidence base in the form of the WCS.

- W01 River Axe catchment

Whilst we are happy to be named as a stakeholder in this section, we feel it necessary to distinguish between us and Natural England on this matter. The nutrient neutrality issue falls under Natural England’s remit and responsibility. We can support the processes associated with development in the Axe catchment, but there may need to be a distinction in the SoCG.

If you would like to discuss any of the above, please do not hesitate to contact me directly.

Kind regards,

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