

Date: 02 March 2026

Dear Sir/Madam

Application references: 200126 – 200124 - 003174 - 201965

Operator: [REDACTED]

This letter sets out the Environment Agency's (EA) response to concerns raised by South West Water Limited (SWW) regarding the processing of four environmental permit applications relating to wastewater and storm overflow infrastructure in Exmouth.

Facilities: Maer Lane Wastewater Treatment Works, Maer Lane, Exmouth, Devon, EX8 5DB (003174)

Maer Lane Storm Tanks, Maer Lane, Exmouth, Devon, EX8 5DB (201965)

Phear Park Pumping Station, Withycombe Road, Exmouth, Devon, EX8 1TQ (200124)

Maer Road Pumping Station SPST, Maer Road, Exmouth, Devon, EX8 2DB (200126)

Summary

The variations are not simply a change in grid reference; [REDACTED] **are proposing to increase flows to Maer Lane (Exmouth) WwTW without increasing Flow to Full Treatment**, which SWW have predicted will increase storm spill volume from 89,778m³ per year to 333,317m³ per year. These significantly increased volumes, the new discharge location and diffuser arrangement require full reassessment.

The four applications are **High Public Interest** and require full public consultation once duly made; Requests for information (RFI) were necessary to avoid incomplete applications and multiple consultations.

☐ **Delays are due to outstanding information from [REDACTED]**, not the Environment Agency (EA).

☐ [REDACTED] **proposes to relocate the outfall and increase flows**, with its own modelling indicating a **likely increase in storm overflow volumes**.

□ The EA has a **statutory duty to require new technical and environmental assessments**, regardless of AMP period.

□ **Application charges were correctly applied**, as the applications were submitted after the charging scheme had been revised.

South West Water Limited have expressed concerns about the approach taken by the Environment Agency in processing the 4 permit applications. These concerns have been raised in the following documents: Exmouth RFI Response_Final dated 07/11/2025, Exmouth RFI Response 2 – Final dated 09/01/2026 and Exmouth Permitting Letter 12.12.2025. The Environment Agency would like to respond to the points made in these documents.

The applications have been classified as being of High Public Interest. Accordingly, we will undertake consultation with the public and relevant organisations. Where consultation is required for a permitting application, it must start within 30 working days of the application being deemed 'duly made'. An application is considered duly made when all necessary information has been provided to enable its assessment.

The information requested in the Requests for Information (RFI) is essential for the proper evaluation of the applications. If the applications had been accepted as duly made despite evident omissions and ambiguities, necessitating the issue of a Schedule 5 notice(s) to obtain the further details, this could have resulted in multiple consultation periods across the four permit variations.

The RFI process was therefore undertaken to ensure, insofar as reasonably practicable, that all information required for assessment was obtained at the duly making stage. There will be no change to the application approach that has been taken to duly make these applications for the reasons given above. We are still waiting for information from SWW in order to duly make the applications – the Environment Agency is not responsible for the ongoing delay in progressing these applications.

SWW has elected to relocate the outfall for the Final Effluent (FE) and the Settled Storm Sewage Overflow (SSO) and is proposing an increase in flows to the wastewater treatment works (WwTW). SWW's own modelling indicates that these changes are likely to result in an increase in SSO spill volumes. The Environment Agency is under a statutory obligation to assess the environmental implications of the proposed alterations, taking into account the relevant environmental designations, our policies and associated compliance targets regardless of which AMP period is in effect.

We disagree that the nature of the permit variation being sought is, 'in essence, a new grid reference for the outfall'. The new outfall location will require a new technical assessment, and we do not agree that requesting modelling and technical assessments of the impact of the proposed changes along with the supporting documentation (required by Questions 8 and 9), extends beyond what can be reasonably requested at duly making.

The Environment Agency considered it was necessary to refer to the AMP7 requirements in the first RFI to address the statement that was included in two of the supporting application documents, specifically that '*the Environment Agency have expressed their preference for this temporary arrangement over the current situation*' whereas we had stated in our letter dated 13th August 2024, that this would not comply with our no deterioration policy. For this

same reason, we also disagree that *'permitting the new outfall is distinct from the sign off of the AMP7 WINEP measures'* because the AMP7 scheme can't be signed off as we are not satisfied that our no deterioration policy which applies to both storm frequency and volume has been met. Whilst the AMP7 Exe Estuary Shellfish WINEP requirements were to deliver 10 spills solution at Maer Road PS and Phear Park PS "without causing detriment", this applies to the wider environment as well as the protected areas.

With reference to the application charges in your letter dated 12/12/2025 and the permitting timeline, in a meeting on the 8th July 2025, SWW committed to submitting the applications by the end of July however we didn't receive the applications until September. During the intervening period, the Environment Agency supported the SWW permitting team in understanding what information needed to be provided e.g. understanding what was needed for the H1 screening. The charging scheme was revised during this period.

To summarise:

- SWW are proposing to increase flows to Exmouth WwTW without increasing Flow to Full Treatment, which SWW have predicted will increase storm volume from 89,778m³ per year to 333,317m³ per year – this is relevant in relation to rationalising storm overflows;
- the asset is discharging at a new location, with a different diffuser arrangement and with greater storm volume, all of which require assessment against relevant environmental targets and taking into account prevailing designations which necessitates a new technical assessment;
- a new technical assessment would be required regardless of whether Sandy Bay was designated as a SFW;
- the applications were submitted on 19th September 2025, several months after the applications fees were originally paid, therefore the application fees were correctly calculated based on the charging scheme that was in place on the 19th September 2025.

In conclusion, the Environment Agency has acted appropriately and proportionately in its handling of these applications, in line with its statutory duties and established permitting processes. The information requested through the RFI process is necessary to ensure that the necessary public consultations can take place. Any delays in progressing the applications are a result of outstanding information from SWW. Once the applications are duly made, the Environment Agency will proceed with the required public consultation and continue to engage constructively to ensure that environmental protections and compliance objectives are met.

Yours faithfully,

