

6 September 2022
Broadclyst NDP Reps - September 2022



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Dear Ms King,

Broadclyst Neighbourhood Development Plan 2021 - 2031: Reg 16 Version

I am writing to you in regards to the Broadclyst Neighbourhood Development Plan (NDP), for which a Regulation 16 'submission' consultation commenced in June 2022. Savills are acting as planning consultant to *FWS Carter and Sons*. This letter seeks to provide formal representations on the plan's draft policies and submits a site ('Kerswell Barton') for consideration as an allocation within the plan.

Site Allocations

The Client maintains ownership of a number of land holdings across East Devon, particularly in the West End of the district. It is noted that a Call for Sites exercise was undertaken for the NDP in 2017. Given the age of this exercise, there may be potential for the Examiner to consider additional sites for housing, employment, mixed-use or infrastructural development. One site within Broadclyst is submitted for consideration below.

Kerswell Barton

Part of the above site was submitted to the EDDC Call for Sites consultation in May 2022. The entirety of the site (the blue line area within **Appendix 1**) is submitted within this letter to present the site to the Parish for consideration for allocation within the NDP.

Site Details	
Site name:	Kerswell Barton, Broadclyst
Site address:	Kerswell Barton, Broadclyst, EX5 3AF
Site owner:	Greendale Group / FWS Carter and Sons
Uses	
Suggested uses:	Residential development may be delivered in a small area of the submitted site. Supporting uses, such as open space, play provision and other uses may be delivered elsewhere within the allocation. The allocation may also be suitable for renewable energy generation, particularly energy generation from solar power.
Infrastructural requirements:	No infrastructure would be required to deliver this site. Dependent on the scale of an allocation and viability, infrastructure could be delivered on and off site to support existing and new residents.
Potential Constraints	

Access difficulties:	None known. The site maintains an existing access off the B3181.
Infrastructure deficiencies / requirements (e.g. broadband, electricity):	No deficiencies known.
Topography or ground conditions:	No constraints known.
Tree cover:	Trees are located at the boundaries of the site. The majority of the site is absent of trees.
Contamination / pollution:	No constraints known.
Environmental designation:	The site is located within the Clyst Valley Regional Park and within an SSSI Impact Risk Zone.
Flood risk:	The majority of the site is located within Flood Zone 1. The south west of the site is located within Flood Zones 2 and 3.
Legal issues (e.g. restrictive covenants, rights of way):	Please refer to accompanying plan.
Differing landowner intentions:	No constraints known. Please refer to the accompanying plan for site ownerships.
Other constraints:	No constraints known. It is understood that the site maintains an implemented planning permission (12/1285/MFUL) for 13 dwellings through the conversion and extension of existing buildings within the site. Please refer to the accompanying plan.

Land in Poltimore Parish

The Client also wishes to make the Parish aware of land in their ownership that is located outside of, though immediately adjacent to the boundary of the NDP area, within Poltimore Parish. These ownerships are marked in green and red in **Appendix 2**. These sites are directly adjacent to the M5 and present strategic opportunities for Broadclyst Parish, potentially offering enhanced connectivity between Broadclyst village and the strategic highway network. This land also presents a valuable opportunity to provide a new Motorway Service Area, providing greater employment to residents of Broadclyst Parish. FWS Carter and Sons would welcome further discussions with Broadclyst Parish on this opportunity in due course.

Neighbourhood Plan Compliance with the NPPF

Paragraph 13 of the NPPF states that “*Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.*”

Paragraph 29 of the NPPF states that “*Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.*” This is accompanied by a footnote that states “*Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.*”

Paragraph 37 of the NPPF confirms that “*Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.*” The accompanying footnote

confirms that the 'basic conditions' are set out within Paragraph 8, Schedule 4B of the Town and Country Planning Act 1990. The 1990 Act confirms that the 'basic conditions' include the need to contribute to the achievement of sustainable development, and that the making of the order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).

Paragraph 70 of the NPPF states that "*Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites ... suitable for housing in their area.*"

Draft Policies

Draft Policy DC5

We support the flexible wording of this draft policy which supports low carbon District Heating Schemes and/or alternative low-carbon schemes. Indeed, with the fast pace of technological change in this area, flexibility is imperative and it is important that this is reflected in the wording of this policy as opposed to any requirement for new development to connect to District Heat Networks. The alternative could have significant impacts on the viability and deliverability of new development and may cause the NDP to undermine the deliverability of strategic policies for the area.

Recommendation

Retain the policy text to not require District Heat Network connections for new development in the Parish.

Draft Policy DC6

This draft policy supports the provision of community scale renewable energy systems within the Parish. The policy states that solar farms, micro hydroelectricity and ground/air source heating will be supported "if the scale meets the needs of and is demonstrably supported by the local communities". For solar farms, both a 5 hectare limit is applied along with a need for the community to directly benefit.

Paragraph 3 of the supporting text helps set the scene, stating that "*It is in the rural countryside that enormous potential for low and zero-carbon energy solutions reside.*" We entirely agree.

As a result of international and national energy price rises, greater support should be given to the development of renewable energy systems not just in Broadclyst Parish but elsewhere across the country. An increase in energy generation, and resulting decrease in energy prices, would in turn economically benefit all Broadclyst residents, and support the NPPF's sustainability principles.

Paragraph 5 of the supporting text provides the reason for the 5 hectare limit, stating that this is due to the existing provision of solar farms in Broadclyst. The presence of other solar farms should not preclude additional commercial investment in this form of renewable technology. Indeed, there is no rationale for either a size limit or for there to be a requirement of providing a direct benefit only to the local community. As it has shown in the past with the two existing solar farms, Broadclyst Parish is capable of providing a significant contribution to tackling climate change through the implementation of further solar energy generation. There is no reason why it, nor any other Parish within East Devon for that matter, should not seek to maximise the contribution it can make. We have therefore recommended changes to the policy which remove these restrictions.

Recommendation

Amend the policy text to remove the wording that has been struck-through:

"Proposals for the following renewable energy systems will be supported ~~if the scale meets the needs of and is demonstrably supported by the local communities:~~

- *Micro hydroelectricity.*
- *Solar farm (~~up to 5 hectares and where the community directly benefit~~).*
- *Ground Source and Air Source Heating.”*

Draft Policy ET2

This draft policy supports the provision of holiday accommodation, though specifically states that proposals for Use Class C1 will not be supported. No evidence is provided to justify this. The policy also includes a list of seemingly arbitrary limits on new development, which would appear to limit development that is supported in the local plan. We have recommended changes to bring the policies into line with the adopted Local Plan.

Recommendation

Amend the policy text to remove the wording that has been struck-through:

“Proposals for Class C1 will not be supported.”

“up to a maximum of 2 storeys,”

Draft Policy H4

This draft policy requires proposals for new development in NDP allocated sites to provide 50% affordable housing. This is understood to accord with the requirement set out within the Local Plan, however the draft NDP policy text does not allow for flexibility on the basis of viability. This may undermine the deliverability of these sites. To avoid repetition with the adopted Local Plan, this draft policy may be deleted from the NDP.

Recommendation

Delete draft policy H4 from the NDP.

Draft Policy T1 and Draft Policy T4

Draft Policy T1 supports proposals that include or contribute toward the provision of a safe and direct access for pedestrians and cyclists between Broadclyst Village and Broadclyst Station. The supporting text notes that there are several design issues with Station Road which currently connects the village and train station.

Draft Policy T4 supports proposals which would extend and/or improve routes for active travel. A ‘future permissive’ route is drawn through the Kerswell Barton ownership.

The Kerswell Barton site, proposed above, presents an opportunity to provide the ‘future permissive’ route and assist in delivering this policy. Alternatively, a link road between Station Road and the B3181 as part of a wider development may be delivered as part of a wider development, assisting in the delivery of Draft Policy T1.

Recommendation

Include the Kerswell Barton site as an allocation for development within the NDP.

Draft Policy NE5

This draft policy seeks to implement a 10% net gain requirement in Biodiversity Net Gain. It is noted that the Environment Act proposes a 10% requirement for a net gain for all planning applications, however this is not a requirement currently. The NDP should not therefore set this as a requirement but leave it to legislation and/or the emerging Local Plan.

Recommendation

Remove the requirement for a 10% biodiversity net gain from the draft policy.

Conclusion

I trust that these representations provide assistance with revising the above draft policies of the NDP. It is considered that the allocation of the Kerswell Barton site would assist the Parish in meeting its aspirations and delivering its proposed policies.

Please do not hesitate to contact me if you have any queries.

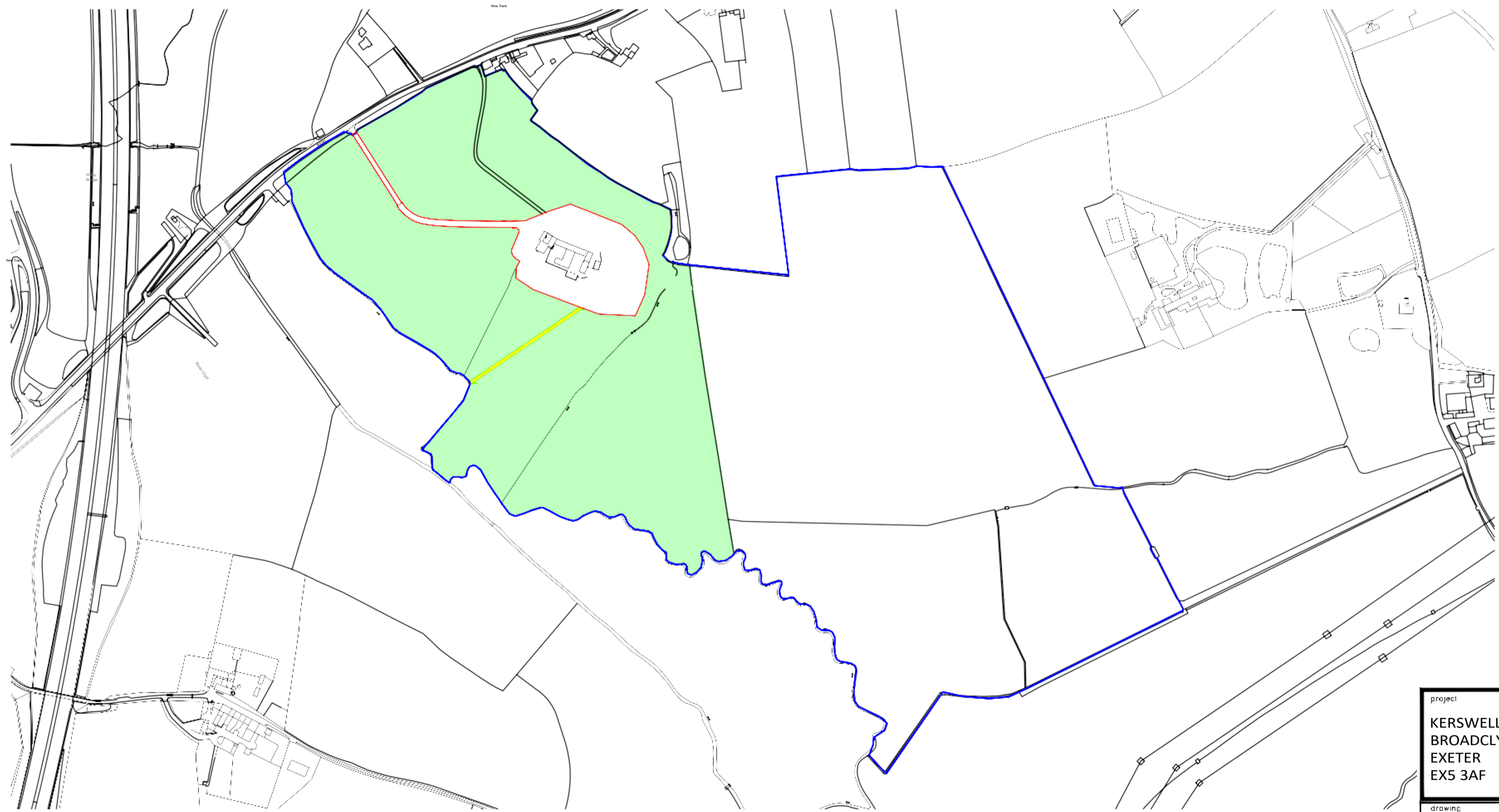
Yours sincerely,







Nick Matthews MA MTCP MRTPI
Director

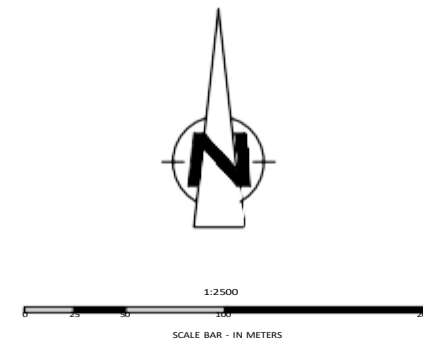
Appendix 1: Kerswell Barton Site Location Plan

IMPORTANT NOTES:
 Any discrepancies must be reported to ARA Architecture before proceeding.
 Figured dimensions only are to be worked from.
 This drawing remains the copyright of the ARA Architecture.
 This drawing is supplied in order to gain Planning Permission and Building Regulations Approval only and is not to be used as a working drawing unless the Builder or Owner verifies the accuracy of the drawings by checking all dimensions, details, angles and notes on site before work commences or ordering any materials.
 The Owner is to check his own deeds to verify that no restrictions or covenants exist to prevent building.
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KEY:-

	SALE AREA
	RETAINED LAND OWNERSHIP
	AREA RESTRICTED FROM SOLAR DEVELOPMENT
	EASEMENT FOR BELOW GROUND DRAINAGE - 3.0m WIDE



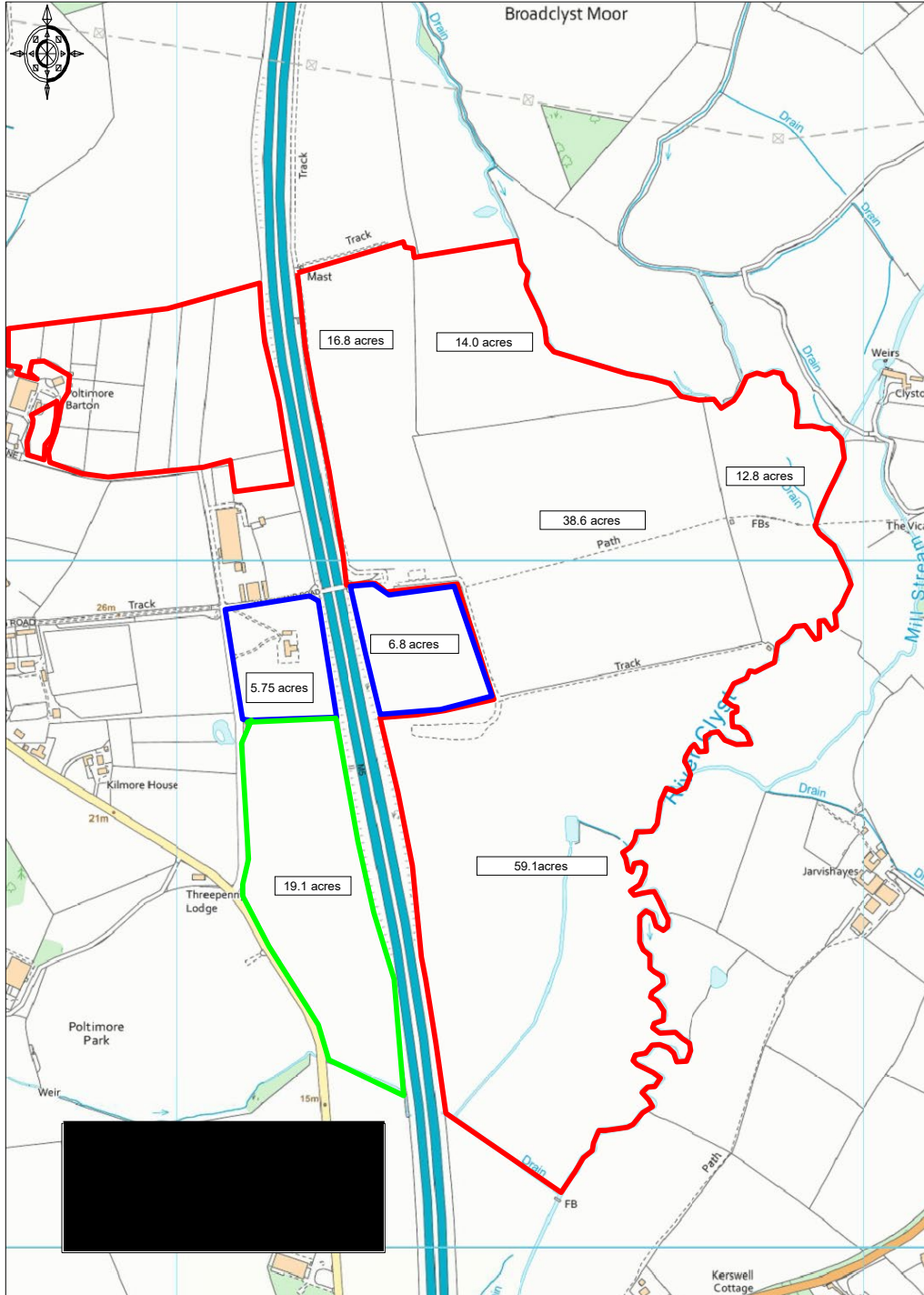
project
**KERSWELL BARTON FARM
 BROADCLYST
 EXETER
 EX5 3AF**

drawing	SALE PLAN 2	
scale 1:2500 @ A1	drawn	
date JULY 2021	checked	
drawing no.	7449-201	rev C

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Appendix 2: Land in Poltimore Parish

Land at Poltimore Barton, Moor Lane, Poltimore, Exeter EX4 0AQ



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