

Questions for Clarification Clyst St Mary and Sowton Neighbourhood Development Plan.

I am Deborah McCann, the independent examiner of the Bishops Clyst Neighbourhood Development Plan. I am in the early stages of the examination process and issues have arisen on which I require clarification. The presumption is that a neighbourhood plan examination will be conducted by written representations unless an issue arises which the examiner feels can only be addressed to their satisfaction by way of a Hearing. The first stage in the process is to ask written questions. Following receipt of any responses I will be in a position to decide if a Hearing will be necessary. In most cases, the response to questions provides the necessary clarification for the examination to proceed without the necessity to call a Hearing.

I seek clarification in connection with the following policies:

1. Policy BisC11- Clyst St Mary Settlement Boundary.
2. Policy BisC12- Land East of Clyst St Mary.

1. Policy BisC11- Clyst St Mary Settlement Boundary.

Development proposals on land within the defined settlement boundary of Clyst St Mary (see Map 8 (plan page 31)) will be supported where the development:

- a) benefits from a safe and suitable access for all road users;
- b) does not impact upon the privacy of any adjoining properties;
- c) is consistent with the character of the locality; and
- d) does not increase flood risk or exacerbate existing sewage disposal problems; and
- e) is generally in compliance with other policies in the development plan.

Areas outside the built-up area boundary will be regarded as countryside and subject to 'development in the countryside' policies in the development plan.

I note in the Regulation 16 comments by EDDC that the settlement boundary proposed in the neighbourhood plan is not the same as that proposed in the emerging local plan.

The comments on Policy BisC11, by EDDC are as follows:

"It should be noted that there is a variation of a new settlement boundary for Clyst St Mary included in the current Regulation 19 Local Plan, which would supersede the boundary associated with this policy if adopted subsequently to this NP being made. If the site allocation under Policy BisC12 is retained in the final made version of this plan, it is suggested that we would endeavour to include this in our Local Plan settlement boundary to reflect this, in accordance with our new published methodology. However, we would also be likely to seek to retain the other smaller differences as they are proposed within the emerging Local Plan, including the inclusion of the recreation ground within the boundary and several garden spaces as again, this would align to our new methodology. This would not risk the development of the recreation ground as this would be protected by other policy, not least its designation as 'Local Green Space' in the Neighbourhood Plan. We would suggest it may be appropriate therefore to make reference to the Emerging Local Plan in supporting text."

Differing settlement boundaries between the Neighbourhood Plan and the Emerging Local Plan have the potential to cause confusion when applying the policy in the determination of planning applications.

Whilst I acknowledge that policies in the emerging local plan are not yet "fixed", it would be helpful, in my consideration of Policy BicC1, to understand the following:

- The methodology used by the NPG to establish the settlement boundary in Policy BisC11.
- Why EDDC used a different methodology to establish the settlement boundary in the emerging local plan.

2. Policy BisC12- Land East of Clyst St Mary

Land to the east of Clyst St Mary as shown on Map 9 is allocated for residential development to provide at least 72 dwellings, which cater for local needs and demands. Development should be in accordance with an agreed Concept Plan, which demonstrates a fully integrated and co-ordinated housing scheme that

complies with the requirements of this policy. Development proposals for the land shown on Map 9 will be supported, subject to the provision of:

- a) a satisfactory vehicular access from the A3052, which includes a signal-controlled crossing to the A3052 to provide a pedestrian and cycle connection to Church Lane;
- b) an estate road between the A3052 and Bishops Court Lane, constructed to an adoptable standard and a specification to be agreed with DCC Highways, and open to the public before occupation exceeds 80% of the total houses on the site;
- c) traffic management measures implemented to Bishops Court Lane and Frog Lane to minimise their appeal to and use by through-traffic;
- d) the Clyst Valley Trail cycle route being incorporated through the development to connect with Bishops Court Lane along with other relevant cycle and vital pedestrian links;
- e) the provision of safe pedestrian routes through the development which can allow connection to existing or proposed footpaths, to enable residents to walk safely to bus stops, school and village services, and other local facilities and locations;
- f) adequate play and amenity space with satisfactory arrangements to cover its future maintenance;
- g) an overall housing density, design and layout in accordance with the Bishops Clyst Design Codes and Guidance;
- h) a mix of housing sizes, types and tenures that satisfy identified local needs and meet local demand, based on up-to-date local housing needs information;
- i) affordable housing provision, which satisfies the requirements of the LPA;
- j) a layout incorporating tree planting and landscape elements which both protects the residential amenity of Greenspire and effects a gradual transition from built area to countryside to reduce landscape and visual impacts on the Clyst Valley;
- k) landscaping and peripheral boundary treatment, which retains existing trees and hedgerows, providing a minimum 10m wide woodland buffer strip to the boundary with Bishop's Court Lane to give satisfactory screening of the development in views from the Clyst Valley Regional Park, and adequately protects priority habitats in the vicinity of the site;
- l) a heritage assessment, where relevant, to demonstrate that the significance of

any nearby designated or non-designated heritage asset will be satisfactorily conserved or enhanced;

m) a water supply, drainage, and sewerage scheme for the whole site, which ensures there will not be any worsening of foul and surface water flooding to existing properties in Clyst St Mary; and

n) the development conforming with other relevant policies in the Neighbourhood Plan.

To protect the Exe Estuary SPA / Ramsar, Dawlish Warren SAC, East Devon Pebblebed Heaths SAC and East Devon Heaths SPA from in-combination recreational pressure, all residential developments within 10km of these European sites must make adequate financial contributions to identified strategic mitigation measures, as per the latest iteration of the South-East Devon European Sites Mitigation Strategy (SEDESMS). Developers should consult the SEDESMS in determining their geographic location in relation to the mitigation zone and pay the required financial tariff as per the latest strategy guidelines.

I have received representation that:

"the proposed allocation of SEA Option 3 proposed by Policy BisC12 'Land East of Clyst St Mary' in the Neighbourhood Plan is fundamentally flawed and unsupported by evidence. On the contrary, the available evidence demonstrates that SEA Option 4 is the appropriate strategy for the development at Clyst St Mary. No credible or reasonable explanation or justification has been provided to support an alternative strategy."

Please clarify the following:

- Why the Land to the East of Clyst St Mary was selected as the preferred site allocation despite not achieving the highest score in the site selection process?
- Is the allocation of Land to the East of Clyst St Mary consistent with the findings of the SEA?

DCC as the Highway Authority have made the following representation:

"Further to our comments made during the Regulation 14 Neighbourhood Plan Consultation, after further liaison with DCC Road Safety officers, we are currently unable to support provision of a vehicular link between Bishops Court Lane and the

A3052 (via the BisC12 allocation) at this stage. This is particularly in view of the potential for the link to inadvertently create a vehicular route for through traffic between the A3052 and A30 Exeter Airport junction, which may lead to significant volumes of traffic attempting to turn right from the A3052 into the allocation.

Given that the nature of the future access arrangement(s) are to be confirmed, there is potential concern of excessive use of a future access into the site at this location. Whilst, in principle access may be acceptable in its isolation for the anticipated and associated residential traffic, the likely increase in flows should the vehicular link to Bishops Court Lane be provided (meaning, for example, the road would likely also be used by traffic accessing the business park and 'rat running') could bring about material reservations in the suitability and safety of the access's operation on the A3052.

With the above and the progress of the emerging East Devon Local Plan 2020-2042 in mind, DCC view it as prudent to delay finalisation of the Neighbourhood Plan policy wording until transport infrastructure proposals for the New Community (proposed under Local Plan policy WS01) are better understood; this work is expected to be concluded before the further Regulation 19 Local Plan consultation later in the Spring. The delivery of the New Community may provide an opportunity to remove through traffic from Clyst St Mary village without requiring a vehicular link between Bishops Court Lane and the BisC12"

- As a result of the Highway Authority's objection, can the proposed site allocation still be considered achievable?(A site is considered achievable for development where there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time. This is essentially a judgement about the economic [viability of a site](#), and the capacity of the developer to complete and let or sell the development over a certain period.)

These questions are directed to the Qualifying Body, East Devon District Council and Devon County Council Highways.

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