

**INDEPENDENT EXAMINER'S REPORT OF THE FIRST REVIEW OF THE  
CLYST ST MARY AND SOWTON (BISHOPS CLYST)  
NEIGHBOURHOOD DEVELOPMENT PLAN**

Deborah McCann

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## SECTION 2

### Summary

I am the Independent Examiner appointed by East Devon District Council to examine the first review of the Clyst St Mary and Sowton (Bishops Clyst) Neighbourhood Development Plan **2023-2040**. The original Bishops Clyst Neighbourhood Development Plan was made by East Devon District Council in **March 2017**. In considering the modification to the plan I have to consider whether the modifications are:

- Minor (non-material) modifications to a neighbourhood plan or order are those which would not materially affect the policies in the plan or permission granted by the order. These may include correcting errors, such as a reference to a supporting document, and would not require examination or a referendum.
- Material modifications which do not change the nature of the plan or order would require examination but not a referendum. This might, for example, entail the addition of a design code that builds on a pre-existing design policy, or the addition of a site or sites which, subject to the decision of the independent examiner, are not so significant or substantial as to change the nature of the plan.
- Material modifications which do change the nature of the plan or order would require examination and a referendum. This might, for example, involve allocating significant new sites for development.

The Bishops Clyst Neighbourhood Development Plan proposes modifications to a number of policies within the 'Made' Bishops Clyst Plan and the introduction of new policies including a residential site allocation.

In accordance with Regulation 14 of the Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2017, Bishops Clyst Parish Council has submitted the following statement, re the modification:

*"Bishops Clyst Parish Council considers that, taken as a whole, the modifications proposed are not minor. Moreover, they are of a nature which do change the nature of the Plan and will require both examination and a referendum."*

East Devon District Council also submitted a statement as follows:

*"With reference to the addition of the major housing allocation alone (Policy BisC12), East Devon District Council concurs with the conclusion of the Parish Council that this*

*is a significant and substantial modification having the effect of changing the nature of the Plan. EDDC would make the same assessment based on our interpretation of the new policy on infrastructure (BisC10) and in combination, the two policies relating to new business development (BisC16 and BisC17) that replace Made Policy BiC13, as the approach taken is considered to differ to the extent the nature of the plan is changed. Many of the other policy changes are also considered to be material but not changing the nature of the plan, including for the addition of any entirely new policy which by definition were not previously the subject of examination under the Made neighbourhood plan.*

*Few changes in policy are considered to be minor modifications, with reference to the limited guidance which suggests these changes are reserved primarily for factual updates and corrections.*

#### *Conclusion*

*In conclusion, East Devon District Council consider that the overall modifications proposed fall into the category of material modifications that change the nature of the plan, requiring both examination and referendum."*

#### **I summarise the findings of my examination as follows:**

1. Both the Qualifying Body and East Devon District Council have identified that the proposed modification is material requiring examination, I concur with this view.
2. I find the modification to the Bishops Clyst Neighbourhood Development Plan subject to the recommended modifications does meet the Basic Conditions.
3. I am satisfied that the Referendum Area should be the same as the Plan Area, should the Bishops Clyst Neighbourhood Development Plan go to Referendum.
4. I have read the Consultation Statement and the representations made in connection with this subject. I consider that the consultation process was robust and that the Neighbourhood Plan and its policies reflects the outcome of the consultation process including recording representations and tracking the changes made as a result of those representations.
4. I have concluded that the proposed modifications taken as a whole are Material, do change the nature of the plan and do require examination and a referendum.
5. At the time of my examination the adopted local plan was the East Devon Local Plan 2013 – 2031 (adopted 2016) however, EDDC began preparing a new

replacement Local Plan for East Devon in 2020, which is now at Regulation 19 stage and this neighbourhood plan proposal seeks to align to its housing policies and plan period. so that it does not become out of date when the new East Devon Local Plan is adopted.

6. National Policy guidance is in the National Planning Policy Framework (NPPF). In December 2024 the Government issued a new NPPF which made changes to National Policy in a number of areas, most significantly policy relating to housing. Annex 1 of the NPPF 2024 deals with implementation and whilst paragraph 231 states:

"The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication. Plans may also need to be revised to reflect policy changes which this Framework has made."

Paragraph 239 states:

"For neighbourhood plans, the policies in this Framework will apply for the purpose of preparing neighbourhood plans from 12 March 2025 unless a neighbourhood plan proposal has been submitted to the local planning authority under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) on or before the 12 March 2025."

Therefore, at the time of my examination of the Neighbourhood Plan the relevant NPPF was the National Planning Policy Framework (NPPF) December 2023.

However, references to the NPPF in the Plan reflect the most recent version.

7. Whilst the Bishops Clyst NDP has been examined under the NPPF 2023 the Housing Statement in the Plan (Paragraph 9.10 Page 33 should be updated to reflect the NPPF 2024 (amended February 2025) revised standard method for calculating housing need and the implications for the Parish.

East Devon District Council have provided the following Housing Statement and for Clarity, Paragraph 9.10, page 33 should be modified as follows:

9.10 Government policy requires that local plan policy sets out housing requirements for all designated neighbourhood areas. The local planning authority was asked to provide a housing requirement figure for the neighbourhood area for the plan period, aligned to the emerging Local Plan (2020 – 2042). In October 2024, the Strategic Planning Committee of EDDC agreed that a minimum of an additional 72 new homes, above those already completed and committed by planning permission, are required. The Committee further resolved to give the community "the choice about

where these homes are accommodated through the Neighbourhood Plan”.

As part of the neighbourhood plan examination, East Devon District council has provided an up-to-date housing statement with reference to the status of this housing requirement in terms of its emerging new Local Plan and the latest revision of the NPPF (2024), and the implications for the neighbourhood plan, as follows:

As a result of the revised standard method, the LPA cannot currently demonstrate a 5-year housing land supply and the Local Plan is being progressed under transitional arrangements (Annex 1 of the NPPF, 2024) to make provision for 80% of standard method housing numbers, based on the revised methodology. The housing requirement set for the Neighbourhood Plan is derived from work undertaken for the emerging Local Plan that used a methodology informed by strategic considerations of locations/settlements suitable for development of differing scales and individual site assessments. This is supported by a robust and detailed technical evidence report and the response received to formal rounds of Local Plan consultation. The total housing requirement figure for 2020-2042 for the Bishops Clyst Neighbourhood Area is a minimum of 169 dwellings, of which 72 are expected to be provided for through the emerging NP. This is also set out in emerging Local Plan Policy SD14. This housing requirement relates to the emerging Local Plan spatial strategy for the district which directs ‘new development towards the most sustainable locations in East Devon’, through continuing a focus of development on the ‘west end’ of the district, including a further new community (that will fall partly within this NA) and via a settlement hierarchy which includes the village of Clyst St Mary as one of 23 ‘service villages’ where ‘limited development will be allowed’. These are “settlements with good local facilities, providing essential services and infrastructure for their immediate rural areas and supporting more localised, sustainable development” than settlements higher up the hierarchy. The figure of at least 72 that the NP cites therefore derives from the latest available spatial strategy for the district, which in turn is underpinned by the latest evidence and technical assessment work that takes account of local assets, circumstances, and constraints. It is not an apportionment of the district housing requirement and there is no requirement or expectation on the neighbourhood plan to make provision in excess of this to meet the minimum district housing requirement. However, the NP is at liberty to plan for more than the 72 dwellings, as it has done by allocating land for ‘at

least' 72 dwellings and through the development boundary setting for both this housing site and the village settlement boundary. Furthermore, it should be noted that in terms of the proportion of the district housing requirement, only 2 other settlements of the 23 in this tier of the settlement hierarchy have provision for a higher level of growth within the emerging LP than Clyst St Mary village. There are also significant constraints to expansion at the village, together with a comparably high level of commitments associated with the on-going redevelopment at Winslade Park as well as the further growth expected in the wider Neighbourhood Area from the planned new community. The agreed minimum of 72 by our Strategic Planning Committee as the net identified housing requirement for the NP to make provision for therefore continues to be seen as a reasonable and justified housing requirement based on all the circumstances, including the latest revision of the NPPF.

## **SECTION 3**

### **3.Introduction**

#### **3.1. Neighbourhood Plan Examination.**

My name is Deborah McCann, and I am the Independent Examiner appointed to examine the Bishops Clyst Neighbourhood Development Plan.

I am independent of the qualifying body, I do not have any interest in the land in the plan area, and I have appropriate qualifications and experience, including experience in public, private and community sectors.

Both the Qualifying Body and East Devon District Council have identified that the proposed modification is material and I concur with this view.

Having concluded that the revisions to the modified Bishops Clyst NDP are material requiring examination I must determine whether the revised submission meets the Basic Conditions and has taken into account human rights; and to recommend whether the modified Plan needs to go to Referendum. My role is as set out in more detail below under the section covering the Examiner's Role. My recommendation is given in summary in Section 2 and in full under Section 5 of this document.

The Bishops Clyst Neighbourhood Development Plan must be independently examined following processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012.

The expectation is that the examination of the issues by the examiner will be by written representations. However, there are two circumstances when an examiner may consider it necessary to hold a hearing. These are where the examiner considers that it is necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case. Having read the plan and considered the representations I did require clarification on a number of issues. These points were dealt with by written representations in a question and answer format. This additional information is publicly available on the East Devon District Council website and covered in my report within the relevant policy. I did not consider that it was necessary to hold a hearing.

### **3.2. The Role of Examiner including the examination process and legislative background.**

The examiner is required to check whether the modified neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body.
- Has been prepared for an area that has been properly designated for a neighbourhood plan.
- Meets the requirements to
  - i)* specify the period to which it has effect;
  - ii)* not include excluded development; and
  - iii)* not relate to more than one neighbourhood area and
- Its policies relate to the development and use of land for a designated neighbourhood area.

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

As an independent Examiner, having examined the Plan, I am required to make one of the following recommendations:

1. The modification doesn't meet the Basic Conditions and should not proceed to Referendum

or

2. The modification does meet the Basic Conditions (with further modification) but does require Referendum

or

3. The modification does meet the Basic Conditions (with further modification) but is not required to go to Referendum

Where a policy does not meet the Basic Conditions or other legal requirement I may, on occasion, need to delete wording, including potentially an entire plan policy and/or

section of text, although I will first consider modifying the policy rather than deleting it. Where a policy concerns a non-land use matter, advice in the Planning Practice Guidance states “Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.” As such, when considering the deletion of any non-land use matters from the plan, I will consider if I can make a modification to place the relevant proposed actions in a non-statutory annex to the plan, dealing with ‘Wider Community Aspirations’. I will not generally refer back to parties on these detailed revisions. I will make modification either in order to meet the Basic Conditions, to correct errors or provide clarification. However, the focus of my examination, as set out in legislation is relatively narrow, I must focus on compliance with the Basic Conditions. The main purpose of a neighbourhood plan is to provide a framework for the determination of planning applications. I will need to make modifications in circumstances where policies in a plan have elements which either seek to control things which fall outside the scope of the planning system or introduce requirements which are indiscriminate in terms of the size of development or overly onerous and would not meet the Basic Conditions. In making any modifications I have a duty to ensure that the Basic Conditions are met however I am also very careful to ensure, where possible that the intention and spirit of the plan is retained so that the plan, when modified still reflects the community’s intent in producing their neighbourhood plan.

I am also required to recommend whether the Referendum Area should be different from the Plan Area, should the Bishops Clyst Neighbourhood Development Plan go to Referendum.

In examining the Plan, I am required to check, under Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990, whether:

- the policies in the Plan relate to the development and use of land for a designated Neighbourhood Area and are in line with the requirements of Section 38A of the Planning and Compulsory Purchase Act 2004:
- The Plan meets the requirements of Section 38B of the Planning and Compulsory

Purchase Act 2004 to specify the period for which it has effect

- the Plan has been prepared for an area designated under the Localism Act 2011 and has been developed and submitted for examination by a qualifying body.

I am also required to determine whether the Plan complies with the Basic Conditions, which are that the proposed Neighbourhood Plan:

- Has regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contributes to the achievement of sustainable development; and
- Is in general conformity with the strategic policies contained in the Development Plan for the area; and
- Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017; and
- Does not breach, and otherwise is compatible with EU obligations and Human Rights requirements.

East Devon District Council will consider my report and decide whether it is satisfied with my recommendations. The Council will publicise its decision on whether the plan will be submitted to a referendum, with or without modifications. If the Neighbourhood Plan is submitted to a referendum, then 28 working days' notice will be given of the referendum procedure and Neighbourhood Plan details. If the referendum results in more than half those voting (i.e., greater than 50%), voting in favour of the plan, then the District Council must "make" the Neighbourhood Plan a part of its Development Plan as soon as possible. If approved by a referendum and then "made" by the local planning authority, the Neighbourhood Plan then forms part of the Development Plan.

## **SECTION 4**

### **4.The Report**

#### **4.1. Appointment of the Independent examiner**

East Devon District Council appointed me as the Independent Examiner for the Bishops Clyst Neighbourhood Development Plan with the agreement of Bishops Clyst Parish Council.

#### **4.2. Qualifying body**

I am satisfied that Bishops Clyst Parish Council is the Qualifying Body.

#### **4.3. Neighbourhood Plan Area**

Bishops Clyst Parish Council applied for designation as a Neighbourhood Plan Area in October 2013 under Planning Regulations 2012 (part 2 S6) and approved by East Devon District Council in March 2014.

The designated Bishops Clyst Neighbourhood Area is the combined parish boundaries for Clyst St Mary and Sowton.

The Basic Conditions Statement submitted with the Bishops Clyst Neighbourhood Development Plan confirms there are no other Neighbourhood Plans covering the Area of the Bishops Clyst Neighbourhood Development Plan.

#### **4.4. Plan Period**

The first Bishops Clyst Neighbourhood Plan was 'made' by East Devon District Council on 8th March 2017 following a referendum in which 90% of respondents voted in favour.

The Basic Conditions Statement accompanying the first review, states that the Bishops Clyst Neighbourhood Development Plan will cover the period 2023-2040 to align with the emerging East Devon Local Plan. EDDC have recently revised the dates from 2040 to 2042 . The QB have confirmed that they wish to revise the First Review of Bishops Clyst NDP to align with this new date (see QB confirmation in response to Reg.16 comments). I accept this proposed modification. The Plan period should be

included on the cover of the Bishops Clyst Neighbourhood Plan.

#### **4.5. East Devon District Council initial assessment of the Plan (Regulation 15).**

Bishops Clyst Council submitted the draft First Review of Bishops Clyst Neighbourhood Plan to East Devon District Council for consideration under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 in December 2024. East Devon District Council made an initial assessment of the Neighbourhood Development Plan and the supporting documents and is satisfied that these comply with the specified criteria.

#### **4.6 Site Visit**

I carried out an unaccompanied site visit on the 16 May 2025 to familiarise myself with the Neighbourhood Plan Area.

#### **4.7. The Consultation Process**

The review of the Bishops Clyst Neighbourhood Development Plan has been submitted for examination with a Consultation Report which sets out the consultation process that has led to the production of the plan, as set out in the regulations in the Neighbourhood Planning (General) Regulations 2012.

The Statement describes the approach to consultation, the stages undertaken and explains how the Plan has been amended in relation to comments received. It is set out according to the requirements in Regulation 15.1.b of the Neighbourhood Planning (General) Regulations 2012):

- (a) It contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
- (b) It explains how they were consulted;
- (c) It summarises the main issues and concerns raised by the persons consulted; and
- (d) It describes how these issues and concerns were considered and, where relevant, addressed in the proposed neighbourhood development plan.

Examination of the documents and representations submitted in connection with this matter have led me to conclude that the consultation process was thorough, well conducted and recorded.

A list of statutory bodies consulted is included in the Consultation Statement.

#### **4.8. Regulation 16 consultation by East Devon District Council and record of responses.**

East Devon District Council placed the Bishops Clyst Neighbourhood Development Plan out for consultation under Regulation 16 for just over 6 weeks ending on the 17 March 2025.

A number of representations were received during the consultation period, and these were made available by East Devon District Council as part of the supporting information supplied for the examination process. I considered the representations, have taken them into account in my examination of the plan and made reference to them where appropriate. The NPG also produced a response to the Regulation 16 responses which was very helpful.

#### **4.9. Compliance with the Basic Conditions**

A Basic Conditions Statement was produced for the First Review of the Bishops Clyst Neighbourhood Development Plan. The purpose of this statement is to set out in detail how the Neighbourhood Development Plan, as submitted meets the Basic Conditions. It is the Examiner's Role to take this document into consideration but also make take an independent view as to whether the assessment as submitted is correct.

I have to determine whether the Plan:

1. Has regard to national policies and advice.
2. Contributes to sustainable development.
3. Is in general conformity with the strategic policies in the appropriate Development Plan
4. Is not in breach and is otherwise compatible with EU obligations and Human Rights requirements.

5. Does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017. (Prescribed Conditions)

Documents brought to my attention by East Devon District Council for my examination include:

- (a) The Clyst St Mary and Sowton(Bishops Clyst) Neighbourhood Development Plan:

This is the main document, which includes the policies developed by the community.

- (b) The Consultation Statement:

This is a statement setting out how the community and other stakeholders have been involved in the preparation of the Bishops Clyst Neighbourhood Development Plan and is supported by an evidence base, which arose from the consultation.

- (c) Basic Conditions Statement.

This is a statement setting out how Bishops Clyst Neighbourhood Development Plan Working Group considers that the Neighbourhood Development Plan meets the Basic Conditions. This statement also includes the screening report for the Strategic Environmental Appraisal and Habitats Regulations Assessment and addresses how the plan contributes to the achievement of sustainable development.

- (d) Modification Statement

- (e) Design Code and Guidelines

**Comment on Documents Submitted.**

I am satisfied having regard to these documents and other relevant documents, policies, and legislation that the Bishops Clyst Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions.

## **4.10 Planning Policy**

### **4.10.1. National Planning Policy**

National Policy guidance is set out in the National Planning Policy Framework (NPPF) 2024(updated February 2025).

To meet the Basic Conditions, the Plan must have “regard to national policy and advice”. In addition, the NPPF requires that a Neighbourhood Plan "must be in general conformity with the strategic policies of the local plan”.

Paragraph 29 states:

“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.”

The Bishops Clyst Neighbourhood Development Plan does not need to repeat national policy, but to demonstrate it has taken them into account.

I have examined the Bishops Clyst Neighbourhood Development Plan and consider that, subject to modification, the plan does have “regard for National Policy and Advice” and therefore the Plan, subject to modification does meet the Basic Conditions in this respect.

### **4.10.2. Local Planning Policy- The Development Plan**

Bishops Clyst lies within the area covered by East Devon District Council. The relevant development plan is the East Devon Local Plan 2013 – 2031 (adopted 2016) however EDDC began preparing a new replacement Local Plan for East Devon in 2020, which is now at Regulation 19 stage and this neighbourhood plan proposal seeks to align to its housing policies and plan period so that it does not become out of date when the new East Devon Local Plan is adopted.

### **4.10.3 To meet the Basic Conditions, the Bishops Clyst Neighbourhood Development**

Plan must be in “general conformity” with the strategic policies of the development plan.

The NPPF 2024 (updated) states:

“20. Strategic policies should set out an overall strategy for the pattern, scale and quality of development, and make sufficient provision<sup>12</sup> for:

a) housing (including affordable housing), employment, retail, leisure and other commercial development;

b) 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);

c) community facilities (such as health, education and cultural infrastructure); and

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.”

**4.10.4** Neighbourhood Plans should only contain non-strategic policies. The NPPF 2024(updated) states:

“Non-strategic policies

28. non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.

29. 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.”

**4.10.5** Should there be a conflict between a policy in a neighbourhood plan and a policy in a Local Plan, section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved in favour of the policy, which is contained in the last document to become part of the development plan.

**4.10.6** The distinction between strategic and non-strategic policies is important because of the relationship with Neighbourhood Plans. Neighbourhood Plans only have to be in general conformity with the strategic policies of the development plan (Localism Act 2011, Schedule 4B, s7 (2)(e)) When made, neighbourhood plan policies take precedence over existing non-strategic policies in the local plan, where they are in conflict.

**4.10.7** Planning Policy Guidance paragraph 41-076-20140306 sets out that:

“Strategic policies will be different in each local planning authority area. When reaching a view on whether a policy is a strategic policy the following are useful considerations:

- whether the policy sets out an overarching direction or objective
- whether the policy seeks to shape the broad characteristics of development
- the scale at which the policy is intended to operate
- whether the policy sets a framework for decisions on how competing priorities should be balanced
- whether the policy sets a standard or other requirement that is essential to achieving the wider vision and aspirations in the Local Plan
- in the case of site allocations, whether bringing the site forward is central to achieving the vision and aspirations of the Local Plan
- whether the Local Plan identifies the policy as being strategic”

I have considered the Strategic policies of the Development Plan and the Policies of the Bishops Clyst Neighbourhood Development Plan and consider that, subject to the

recommended modifications, the Plan does meet the Basic Condition in this respect and is in general conformity with the Strategic policies of the East Devon District Council Local Plan 2016.

The Basic Conditions Statement also sets out the strategic policies in the emerging East Devon Local Plan and how the Bishops Clyst NDP is in general conformity with those policies.

#### **4.11. Other Relevant Policy Considerations**

##### **4.11.1 European Convention on Human Rights (ECMR) and other European Union Obligations**

As a 'local plan', the Neighbourhood Development Plan is required to take cognisance of the EU Strategic Environmental Assessment (SEA) Directive 2001/42/EC Office.

In the case of Directive 2001/42/EC a screening opinion was obtained from East Devon District Council in May 2023 in terms of the need for Strategic Environmental Assessment (SEA) in. The conclusion of the screening was that there was insufficient evidence to conclude that harm will not occur to the environment as a result of the residential allocation and therefore a SEA was required.

The Statutory Consultees agreed with this conclusion.

I am satisfied with the conclusion of EDDC that a SEA was required.

AECOM were commissioned to carry out an SEA in November 2024.

The conclusions of this report were as follows:

##### *"Summary and recommendations*

*5.42 Overall, no significant effects are considered likely in implementation of the CSMSNP. Moderate negative effects are predicted due to the loss of greenfield and high-quality agricultural land at the settlement edge, and minor to moderate negative effects are also predicted in relation to transportation and movement. This reflects the constraints of the parish in terms of*

*infrastructure and traffic and congestion. Minor negative effects are also predicted in relation to landscape, given that development will occur within the Clyst Valley Regional Park, as well as in relation to air quality (again reflecting the constraints of existing infrastructure).*

*5.43 Minor positive effects are considered most likely in relation to both biodiversity and geodiversity, and climate change and flood risk. This reflects the avoidance of impacts expected by the spatial strategy (site allocations), and additional policy measures which seek to improve biodiversity and increase climate resilience.*

*5.44 Uncertainty remains in relation to the overall effects for community wellbeing, the proposed development sites have good potential to integrate well, but there are key infrastructure upgrades that will be required prior to development to ensure that future growth does not exacerbate existing local issues such as parking, congestion, and safety. A recommendation is made below which will assist in reducing these uncertainties.*

*5.45 Four recommendations are made for consideration:*

- Development at the 'Land south of Bishop's Court Lane' would encroach upon Deciduous Woodland (Priority Habitat) situated southwest of Westpoint Arena. It will be important to ensure that biodiversity net gains in development are directed towards protecting this habitat and there are also opportunities to enhance the ecological connections across the site between the woodland and Woodpasture and floodplain grazing marsh across Bishop's Court Lane. The site allocation policy (Policy BisC12) could be strengthened by recognising and providing support for such opportunities in development of the site.*
- Whilst policy tends to indicate a preference for achieving biodiversity net gains onsite in new developments, where this is not possible, it would be of benefit to identify key local areas that should be targeted for off-site measures.*
- Development at the 'Land east of Greenspire' lies within a sensitive heritage setting, whilst policy mitigation is available that should ensure no significant effects, it is recognised that the site allocation policy could be enhanced by directly identifying the need to respond to the setting of the Grade II Listed Building opposite.*
- Whilst Policy BisC10 requires appropriate physical and social infrastructure*

*improvements in developments, the site allocation policies will be key in driving these necessary infrastructure improvements, and it is considered that the policies could be more explicit in identifying critical needs such as the need to improve pedestrian safety around the school, as ultimately these are targeted off-site improvements to deal with the increasing population and may need to be pooled from different contributions."*

Directive 92/43/EEC and Directive 2009/147/EC seek to protect and improve Europe's most important habitats and species. As part of the screening request for the SEA a Habitats Regulations Assessment Screening request was also submitted to East Devon District Council as the Appropriate Authority. The conclusion of this screening in relation to HRA was that there was potential for significant effects on two European sites, as the whole of the Clyst St Mary Parish lies within their "zone of influence".

In May 2023 AECOM produced a Report to Inform Habitat Regulations Assessment. The purpose of this report was to inform East Devon Council, in their role as Competent Authority, of the potential effects of Neighbourhood Plan (NP) development on European sites (Special Areas of Conservation, SACs, Special Protection Areas, SPAs, and Ramsar sites designated under the Ramsar convention), and how they are being, or should be, addressed in policies of the draft Plan.

The conclusions and recommendations of this report were as follows:

"6.1 This HRA considered whether the emerging CSNP has the potential to result in LSEs and, where these are present, adverse effects on the integrity of European sites, namely the Exe Estuary SPA / Ramsar, Dawlish Warren SAC, East Devon Pebblebed Heaths SAC and East Devon Heaths SPA. Due to the relatively small quantum of allocated growth, the CSNP was primarily considered in-combination with the overarching EDLP. While LSEs could be excluded in relation to the impact pathways atmospheric pollution and water quantity, level and flow, in-combination LSEs could not be excluded regarding recreational pressure and water quality. The following policies included in the CSNP were screened in for AA:

- Policy BisC11 – Residential Development
- Policy BisC12 – Land East of Greenspire
- Policy BisC13 – Land South of Bishops Court Lane

6.2 Regarding recreational pressure in the Exe Estuary SPA / Ramsar, Dawlish Warren SAC, East Devon Pebblebed Heaths SAC and East Devon Heaths SPA, it was concluded that the SEDESM provides an adequate strategic framework for mitigating negative recreational impacts in these European sites. However, the current draft of the CSNP contains no specific reference to European sites or the SEDESMS. Given the precedence of in-combination mitigation requirements, it is recommended that additional wording is added to Policy BisC01 (or another suitable policy): '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.' Provided this policy wording (in its current or similar wording) is incorporated in the next iteration of the CSNP, it would be concluded that the CSNP does not result in adverse effects on the integrity of the Exe Estuary SPA / Ramsar, Dawlish Warren SAC, East Devon Pebblebed Heaths SAC and East Devon Heaths SPA.

6.3 Potential water quality impacts of the CSNP via the discharge of treated sewage effluent from WwTWs was also appraised. However, a review of the DWF permitted values in the Exe catchment indicate that all but four WwTWs have spare headroom capacity available to treat sewage from additional housing. Importantly, none of the four WwTWs approaching their design capacity would treat sewage resulting from the CSNP. Therefore, it is concluded that the CSNP will not result in adverse effects on the Exe Estuary SPA / Ramsar and Dawlish Warren SAC regarding water quality impacts of treated sewage effluent."

I am satisfied that the Bishops Clyst NDP has adequately addressed the issues raised.

The Statutory consultees were satisfied by the conclusions of the SEA and HRA.

Regulation 32 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out a further basic condition for a Neighbourhood Development Plan in addition to those set out in the primary legislation. Being that:

- the making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). (See Schedule 2 to the Neighbourhood Planning (General) Regulations 2012 (as amended) in relation to the examination of neighbourhood development plans.)

I am satisfied that the Bishops Clyst Neighbourhood Development Plan, subject to modification meets this Basic Conditions on EU obligations.

#### **4.11.2 Sustainable development**

The Basic Conditions Statement sets out how the plan addresses achieving sustainable development:

I am satisfied having regard to this document and other relevant documents, policies and legislation that the Bishops Clyst Neighbourhood Development Plan does, subject to the recommended modifications, meet the Basic Conditions in this regard.

#### **4.11.3 European Convention of Human Rights and to comply with the Human Rights Act 1998.**

The Neighbourhood Development Plan is required to take cognisance of the European Convention of Human Rights and to comply with the Human Rights Act 1998.

The Basic Conditions Statement refers to how the development of the plan and its policies accord with EU Human Rights obligations.

I am satisfied with this conclusion.

#### **4.11.4 Excluded development**

I am satisfied that the Bishops Clyst Neighbourhood Development Plan does not cover County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.

#### **4.11.5 Development and use of land**

I am satisfied that the Bishops Clyst Neighbourhood Development Plan covers development and land use matters.

#### **4.12.1 Bishops Clyst Neighbourhood Development Plan Policies**

#### **4.12.2 General comments**

Planning Guidance on preparing neighbourhood plans and policies is clear, it states:

“A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.

Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements. Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”

In order to provide clarity and to ensure that the policies in the Bishops Clyst Neighbourhood Development Plan meet the Basic Conditions it has been necessary for me to make modifications to a number of policies. This includes modifications where:

- Policies have sought to introduce controls outside the scope of the planning system or where existing policy already sets out the scope of control.
- A policy has not been drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications.

The details of these modifications are set out within my comments on the related policies. My comments on policies are in blue with the modified policies in red.

### **4.12.3. The Neighbourhood Plan Aims, Objectives and Policies**

#### **4.12.5 Aims and Objectives**

The aims and objectives of the Plan are included on pages 12-13 of the submission version.

#### **COMMENT**

**I am satisfied that the First Review of the NDP was developed from the consultation process and that the policies within the plan reflect both the aims and objectives.**

#### **Bishops Clyst Policies**

#### **Policy BisC01 Protecting and Enhancing Geodiversity, Biodiversity and Wildlife**

Development proposals should:

1. avoid development on local wildlife sites, and habitats of principal importance, unless exceptional circumstances can

be demonstrated, and appropriate mitigation measures provided;

2. protect and enhance where possible the network of habitats, species, sites of importance and wildlife corridors;

3. minimise impacts on biodiversity; and

4. unless exempt, deliver a net gain in biodiversity in compliance with national legislation and the requirements of the LPA.

2. Development proposals that would result in the loss of, or which would create significant harm to, wildlife sites and other areas of ecological or geological significance, will not be supported.

## COMMENT

I have no comment on this policy.

### **Policy BisC02 Protecting Trees and Woodlands**

1. Areas of predominantly native woodland (including, but not limited to, the woodlands shown on map 4) are regarded as important natural features. Any development proposals that would result in the loss, damage or deterioration of these woodlands will be resisted, unless there are exceptional reasons, and a suitable compensation strategy exists.

2. Development proposals that will cause the loss of or damage to trees, woodland, or species rich hedgerows that contribute positively to the character and amenity of the area must provide for appropriate replacement planting together with a method statement for the ongoing care and maintenance of that planting where deemed necessary by the Local Planning Authority.

3. New development within the proximity of existing mature trees will be expected to have a tree protection plan in place before any development commences, prepared in accordance with British Standard 5837:2012. This will detail tree protection strategies to be employed during construction. An arboriculture method statement will also be required to cover any proposed works to trees or other works within their root protection areas.

4. Where development results in the unavoidable loss of trees or hedgerows, proposals must provide for appropriate replacement planting on the site, or as close as possible to it, together with a management plan for the ongoing care and maintenance of that planting. Such replacement planting should use native and or local appropriate species with an expected mature size similar to those removed and be in the ratio of three trees for the loss of a large tree, two for a medium sized tree and one for a small tree. (See the Glossary for a definition of tree sizes.)

## COMMENT

I have no comment on this policy.

### **Policy BisC03 Minimising Flood Risk**

1. Wherever practical and appropriate, development proposals for the Clyst St Mary

and Sowton Neighbourhood Plan Area should show how they will incorporate Sustainable Drainage System (SUDS) principles to minimise flood risk and, in particular, reduce the need for runoff into the surface water drainage system in Clyst St Mary village and at the bottom of Winslade Park Avenue.

2. Proposals to improve the management of the river and other water courses and construct new defences in the neighbourhood area to reduce flooding will be supported.

3. In improving flood defences, opportunities must be taken to enhance biodiversity and aid local delivery of biodiversity net gain.

## **COMMENT**

**I have no comment on this policy.**

### **Policy BisC04 Development Outside the Clyst St Mary Settlement Boundary**

1. Other than where proposed through strategic allocations or provided for by strategic policies of the Local Plan, development proposals on land outside the confines of the Clyst St Mary settlement area (as defined on Map 8) will be supported if they are necessary for the purposes of agriculture, or outdoor recreation, or farm diversification without harming the countryside, or conform to other policies in the Neighbourhood Plan.

2. Where planning permission is required, farm diversification schemes will be supported where:

a) existing buildings are reused wherever possible but without substantial rebuilding or disproportionate extension

b) new buildings are sensitively sited amongst or adjacent to existing farm buildings, unless operationally necessary to be sited elsewhere

c) the design of any new building reflects the scale of existing buildings and respect landscape features.

3. Development proposals should demonstrate no significant adverse impact, or that any adverse impacts are satisfactorily mitigated, on the following:

a) landscape, geodiversity, biodiversity, habitats, and wildlife corridors

b) existing agriculture and other land-based activities;

c) the rural character of the area and its setting;

d) local transport network and road safety;

e) heritage assets; and

f) residential amenity

## **COMMENT**

**EDDC have raised concerns regarding the wording of this policy lacks clarity and could cause confusion. For clarity and to meet the Basic Conditions, the policy should be modified as follows:**

### **Policy BisC04 Development Outside the Clyst St Mary Settlement Boundary**

**1. Other than where proposed through strategic allocations or provided for by strategic policies of the Local Plan, development proposals on land outside the confines of the Clyst St Mary settlement area (as defined on Map 8) will be supported where they are necessary for the purposes of agriculture, informal outdoor recreation, or farm diversification, without harming the countryside and/or where they in conformity with other relevant policies in the Development Plan.**

**2. Where planning permission is required, farm diversification schemes will be supported where:**

**a) existing buildings are reused wherever possible but without substantial rebuilding or disproportionate extension**

**b) new buildings are sensitively sited amongst or adjacent to existing farm buildings, unless specific justification can be made that there is operational need for an alternative location.**

**c) the design of any new building reflects the scale of existing buildings and respect landscape features.**

**3. Development proposals should demonstrate no significant adverse impact, or that any adverse impacts are satisfactorily mitigated, on the following:**

**a) landscape, geodiversity, biodiversity, habitats, and wildlife corridors**

**b) existing agriculture and other land-based activities;**

**c) the rural character of the area and its setting;**

**d) local transport network and road safety;**

**e) heritage assets; and**

**f) residential amenity**

#### **Policy BisC05 Green Wedge**

Development proposals in the designated Green Wedge area (shown on map 5), within the neighbourhood area, will not be supported unless it can be demonstrated that no harm to the character or purpose of this area will occur.

#### **COMMENT**

**I have no comment on this policy.**

#### **Policy BisC06 Heritage Assets**

Development proposals affecting designated and non-designated heritage assets should be accompanied by an appropriate assessment which sets out the significance of the asset(s) (including setting) and the impact of the proposal upon significance and

experience of the asset(s). Applications will be determined strictly in accordance with national policy and guidance and the development plan.

## **COMMENT**

**I have no comment on this policy.**

### **Policy BisC07 Maintaining Local Character**

Development should be well designed to fit in with the local area and contribute to creating a strong sense of place. New development will be required to demonstrate a high quality of design, use of materials and detail that are appropriate for the area and have regard to the prevailing scale, massing, density and plan form in the locality. Extensions and alterations to buildings will be supported so long as they complement and enhance the main building and its setting. Replacement of any building will only be supported if the proposed development makes an enhanced positive architectural contribution to the location. Boundary treatments for new and amended curtilages should reflect that prevailing in the surrounding area.

Development proposals should accord with the Clyst St Mary and Sowton Design Codes

## **COMMENT**

**I have no comment on this policy.**

### **Policy BisC08 Local Green Space**

The following area is designated as a Local Green Space:

- Queen Elizabeth Field

Inappropriate development on any designated Local Green Space named in this policy will only be supported in very special circumstances.

## **COMMENT**

Local Green Space designation is a “restrictive and significant policy designation” equivalent to Green Belt designation. It is essential that, when allocating Local Green Space, plan-makers can clearly demonstrate that the requirements for its allocation are met in full.

The NPPF 2024 states:

“107. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs, and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated and be capable of enduring beyond the end of the plan period.

108. The Local Green Space designation should only be used where the green space is:

- a) in reasonably close proximity to the community it serves;
- b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
- c) local in character and is not an extensive tract of land.

109. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.”

Given that the Framework is not ambiguous in stating that a Local Green Space designation is not (my emphasis) appropriate for most green areas or open space, it is entirely reasonable to expect compelling evidence to demonstrate that any such allocation meets national policy requirements.

In addition, Neighbourhood planning guidance states:

" Different types of designations are intended to achieve different purposes. If land is already protected by designation, then consideration should be given to whether any additional local benefit would be gained by designation as Local Green Space."

Importantly, sites which are already subject to a statutory designation such as Historic Parks and Gardens or Scheduled Ancient Monuments are already subject to high levels of protection and would not benefit from an additional local designation. Likewise, sites which fall within the curtilage of a listed building or Conservation Area do not necessarily need additional protection under this policy as their importance and contribution to a settlement must already be considered if any application falls within or in the vicinity of these sites.

I have carefully considered the evidence put before me for the designation proposed. The decision to designate a particular site is a matter of planning balance and I have made my decision based on whether or not I consider the proposed designations meet the NPPF tests.

Paragraph 108 of the NPPF states that the policies for managing development within a Local Green Space should be consistent with those for Green Belts. Chapter 13 of the NPPF details the policy framework for development affecting the Green Belt. Paragraph 153, in particular states;

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.”

It should be noted that designation as a LGS does not preclude all development. It protects a designated site from inappropriate development except in very special circumstances. Paragraph 154 of the NPPF 2024 sets out what types of development would not (my emphasis) be considered inappropriate:

**" 154. Development in the Green Belt is inappropriate unless one of the following exceptions applies:**

**a) buildings for agriculture and forestry;**

**b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;**

**c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;**

**d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;**

**e) limited infilling in villages;**

**f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and**

**g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:**

**– not have a greater impact on the openness of the Green Belt than the existing development; or**

**– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority."**

**I am satisfied that the proposed designation meets the requirements of the NPPF. The existing Made version of the Plan designated two Local Green**

**Spaces however, as these LGSs have not been included in Policy BisC08, they are effectively de designated.**

### **Policy BisC09 Sustainable Development**

New development will be supported where it meets relevant policies in this plan and provided:

- a) sustainable construction and drainage techniques and energy conservation measures are incorporated within the development proposals;
- b) provision is made wherever possible for connection to the latest high-speed broadband and other communication networks;
- c) opportunities to further safe and secure pedestrian and cycle links are incorporated wherever possible;
- d) it does not result in the loss of land of local amenity or recreational importance, unless an alternative space of equal or greater size, quality and convenience is included as part of the proposal;
- e) natural habitats are protected during construction, and measures to improve biodiversity are incorporated including, but not limited to, bee bricks, bat and bird boxes and hedgehog highways; and
- f) the need to design out crime, disorder, and anti-social behaviour to ensure ongoing community safety and cohesion, has been taken into account.

### **COMMENT**

**EDDC have made the following representation in connection with this policy:**

***"In addition, we would advise against the use of the term "Land of Local Amenity Importance" as this is used in both the adopted and emerging Local Plan to relate to specific designated areas of LLIA, none of which are located in this neighbourhood area, which may therefore cause confusion. Suggest this could***

*be rephrased as land of local amenity or recreational 'value'. However, more generally, without identification on plan or any criteria, we would query how this is to be defined and whether it gives sufficient guidance / certainty for developers/decision makers. For this reason, we would suggest in order to be retained in the policy, these areas need to be identified otherwise if developers come forward with development on an area that the community consider to be LLIA and it is not obvious this is the case, we will not be able to defend it."*

I agree that clause d) of this policy should be modified as follows:

**d) it does not result in the loss of land of local amenity or recreational value, unless an alternative space of equal or greater size, quality and convenience is included as part of the proposal;**

I also agree that without identifying the land in question on a map this clause will have limited weight in any planning decision.

### **Policy BisC10 Infrastructure**

All proposals for new development must deliver the necessary provision for physical and social infrastructure to offset its impacts. Applications for residential development will be required to demonstrate how the infrastructure needs of the development are addressed.

Proposals for new development that cannot demonstrate adequate measures to deliver appropriate infrastructure provision to offset its impacts will not be supported.

### **COMMENT**

EDDC have made the following representation in connection with this policy:

*"Understand the motivation for including this policy and whilst we do not disagree with the principle that the impacts of new development on physical and social infrastructure need to be addressed it is not always down to the development itself to deliver this. Residential developments will pay Community Infrastructure Levy (CIL) which addresses the costs of delivering elements of*

*infrastructure particularly where these are to be delivered off-site. Responsibility for delivering infrastructure in these cases will rest with other bodies utilising CIL and other funds and so it is not appropriate to require new development to deliver this. To address this, we would suggest that the first sentence is amended to read “All proposals for new development must make provision for physical and social infrastructure to address its impacts.””*

I agree with this comment and for clarity and to meet the Basic Conditions, the policy should be modified as follows:

### **Policy BisC10 Infrastructure**

**All proposals for new development must make provision for physical and social infrastructure to address its impacts. Applications for residential development will be required to demonstrate how the infrastructure needs of the development are addressed.**

**Proposals for new development that cannot demonstrate adequate measures to deliver appropriate infrastructure provision to offset its impacts will not be supported.**

### **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.

## COMMENT

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.

During the course of my examination, I raised the following questions for clarification:

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.**

**In response, EDDC confirmed that the NPG used the methodology/criteria used to set the Built Up Area Boundary for the village under the East Devon Villages Plan, which was adopted in 2018 but EDDC have adopted a revised methodology for the emerging Local Plan.**

**The NPG stated in their response, that they became aware of the different methodology used by EDDC for establishing settlement boundaries following the preparation of this policy. However, the NPG have confirmed that they have no objection to a modification which aligns the settlement boundary in the neighbourhood plan with that the emerging local plan.**

**The responses to my questions can be viewed in full on the EDDC website.**

**I have considered the responses from both EDDC and the NPG. Without modification, Policy BisC11 has the potential to be open to challenge and become out of date upon adoption of the new ED Local Plan. For both clarity and to meet the Basic Conditions, the Clyst St Mary Development Boundary established by Policy BisC11 should be modified to follow the methodology adopted by EDDC for the establishment of development boundaries within the emerging East Devon Local Plan.**

### **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 Masterplan, 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.

## **COMMENT**

**During the course of my examination, I required additional clarification in connection with this policy. I 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."**

**I sought clarification on the following points:**

- 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?

In addition, 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, I also sought clarification on whether or not the proposed site allocation could 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.)

My questions were addressed to the Neighbourhood Plan Group, East Devon District Council and Devon County Council, as Highway Authority.

In Response the NPG stated:

*"The SEA considered six options, which reflected potential growth scenarios options and were considered as being reasonable alternatives. Options 3 and 4 corresponded with the number of houses that EDDC had, at that time, informed us were required. There was very little difference in overall score between the two options.*

*The findings of the SEA assessment were analysed by the Review Group in October 2023.*

*Option 3 was preferred because:*

- a) it also provided essential infrastructure to reduce traffic problems in the village of Clyst St Mary*
- b) it provided a route for the Clyst Valley Cycle Trail, and*
- c) it reflected the clear preference of the people as expressed at the public consultation carried out in September 2022.*

*Further, it was agreed that should the strategic housing requirement necessitate additional housing numbers having to be provided for, then Option 5, which involves an additional, but limited extension of a single site development, was the preference and consistent with the NP's objectives."*

*And*

*"The development agents for the land in question consider the requirements of policy BisC12 to be achievable with or without the link in place.*

*The Highway Authority has concerns about the proposed link between Bishops Court Lane and the A3052 being used as a "rat run" to and from the A30.*

*We have always supported proposals to reduce the traffic using Bishops Court Lane. This two-way traffic flow currently exits the area through Clyst St Mary Village along Frog Lane, which is extremely narrow, has roadside parking and has no footpath thereby creating major problems and risks to our residents which our plan is designed to alleviate.*

*DCC has suggested that the route for the exit of the link road onto Bishops Court Lane should be safeguarded but not constructed at present. We would prefer that the link is constructed, and appropriate traffic management measures put in place. DCC's concerns could be tested by traffic observations. If excessive traffic is generated, the link should then be further restricted or closed off. If this is not acceptable, we would reluctantly accept DCC amendments.*

*We are mindful too that if a new settlement is built to the east of Clyst St Mary, a major review of the highway network will be necessary."*

In response, EDDC council stated:

*"We agree with the NPG that the findings of the SEA were also used by the NPG to inform the policy drafting. EDDC Officers note that paragraph 4.24 in the Reg 16 SEA report explains the reasons for choosing Sowt\_03 and 11A as the allocation (which is a hybrid of Options 3 and 5 in the extent to which Sowt\_11A is included). We would comment that whilst the site selection option for the allocation is not the most sustainable alternative in terms purely of the findings of the SEA assessment, this is an acceptable position to take as long as this is explained, and the reasons given are credible. This is consistent with the role of SEA to identify the likely significant effects of reasonable alternatives, and then outline which alternatives are preferred or not with reasons why."*

And

*"We would observe that delivery of the scheme with or without the road link would be expected to achieve the scale of housing that we are seeking to be provided at Clyst St Mary in our emerging Local Plan and provision of a key link for the Clyst Valley Trail which furthers the objectives of our Clyst Valley Regional Park Masterplan. We would however reiterate that in all discussions with the PC over the course of the plan preparation, the importance of the*

*through-road link to the decision to pursue the allocation for housing in their plan and to the overall plan strategy has been clear. If the suggestion made by DCC Highways for the allocation policy to be amended to safeguard land for a potential future vehicular link to Bishops Court Lane, EDDC would wish to ensure there is clarity for the community on the trigger for the road link and how it would be delivered. "*

In response, Devon County Council, as Highway Authority clarified their position (the full response is available to view on the East Devon District Council website) as follows:

*"As noted in the response to the Regulation 16 Neighbourhood Plan consultation, the Highway Authority is currently unable to support the proposed provision of an estate road between the A3052 and Bishops Court Lane, due to road safety concerns associated with the potential for through traffic to use the road and access off the A3052. Instead, its preference would be for an estate road to be provided with access from the A3052, with a pedestrian/cycle link to Bishops Court Lane provided and with land safeguarded for a potential future vehicular link to Bishops Court Lane, but with the construction of the vehicular link deferred until potential changes associated with the New Community proposed in the draft East Devon Local Plan are better understood. However, the Highway Authority would be unlikely to recommend refusal of a planning application solely on the basis of this concern.*

*In any case, provision of the vehicular link to Bishops Court Lane is not considered to be necessary for the delivery of the housing proposed within the allocation. Regardless of whether the vehicular link to Bishops Court Lane is constructed, provided that a safe access is provided onto the A3052, the development would still be accessible by car, by cycle and on foot, and so it is considered plausible that members of the public would consider purchasing housing at this location. Furthermore, deferring the provision of the vehicular link could reduce the costs to the developer of delivering development at this location, which may improve the viability of the site.*

*To help enable adoption of the Neighbourhood Plan to progress in advance of adoption of the East Devon Local Plan (i.e. in advance of confirmation of the infrastructure likely to be provided in conjunction with the proposed New Community), alternative wording for policy BisC12 and the associated explanatory text is included below. This would enable the requirement for a vehicular link between the development and Bishops Court Lane to be confirmed once other likely changes to the local road network are better understood, helping ensure the network as a whole operates as efficiently and safely as practicable. For consistency, the alternative wording also reflects minor changes to the policy suggested in DCC's response to the Regulation 16 Neighbourhood Plan consultation and replaces 'DCC' and 'Devon County Council' with 'the Local Highway Authority', to future-proof the wording against potential local government reorganisation."*

I also received representation on behalf of the owner of the site providing information that I have taken into consideration where appropriate.

The response from the neighbourhood plan group appears to acknowledge that the Land to the East of Clyst St Mary as shown on Map 9 could be developed without delivery of the relief road. However, a reason given for prioritising this site for allocation is the provision of the relief road.

As a result of this response, I sought further clarification from the neighbourhood plan group as follows:

1. Have the NPG fully considered the implications of delivery of the site without the relief road?
2. Have the NPG considered the impact on the community of the development of the allocation without the delivery of the relief road?
3. Do the NPG consider that in allocating the site without the guarantee that the relief road can or will be delivered would be acceptable to the wider community?
4. Do the Neighbourhood Plan Group support the modification to Policy BisC12 and the supporting text proposed by the Highway Authority?

The Parish council response:

***"Our answers to your questions are as follows: -***

***1. Have the NPG fully considered the implications of delivery of the site without the relief road?***

***Yes, we consider that this site is the most favoured location for development in the parish. But if the estate road were not provided to Bishops Court Lane, existing traffic problems in the village will continue and inevitably get worse. This was an important consideration in formulating our proposals for the Neighbourhood Plan. Additionally, our proposal will also provide the vital cycle route link on the Clyst Valley Trail which has previously been impossible to agree.***

***2. Have the NPG considered the impact on the community of the development of the allocation without the delivery of the relief road?***

***This question is slightly ambiguous, but we have taken it to ask what impact no estate road will have on the community as a whole rather than just the community in the new development. Because of its location, the impact of the new development on the community is not significant but without the road, the existing traffic problems in Frog Lane and the village will continue. For this reason, we consider it essential that the link road is provided as soon as possible.***

***3. Do the NPG consider that in allocating the site without the guarantee that the relief road can or will be delivered would be acceptable to the wider community?***

***Yes, the wider community has shown a preference for development of this site over others, irrespective of the road proposals.***

***4. Do the Neighbourhood Plan Group support the modification to Policy BisC12 and the supporting text proposed by the Highway Authority? DCC has indicated that they would probably not object to provision of an estate road linking to Bishops Court Lane. We would accept the amended Policy BisC12 with the following addition to Clause b) "also linking to Bishops Court Lane, with access to and from Bishops Court Lane limited to pedestrians and cyclists.***

***.***

*The reason for this addition is to ensure that the road layout is secured and that the cost is met by the developer. We consider it unlikely that funding would be forthcoming from any other source to complete the link at a future date."*

I have carefully considered the representations received both in connection with the Regulation 16 consultation and my subsequent questions for clarification.

My conclusions are as follows:

I am satisfied that the proposed allocation of the Land to the East of Clyst St Mary was selected following an appropriate methodology. Whilst the site may not, on first consideration appear to have achieved the highest score in the site selection process, I have been provided with additional information regarding the process, including consultation on community preference to support the allocation. I am also satisfied that the allocation of Land to the East of Clyst St Mary is consistent with the findings of the SEA.

As part of my deliberations, I have also considered the implications of pursuing a site allocation which does not appear to be the most appropriate for development from the NPG's own site selection process and whether or not this makes it more likely that proposals for other sites will come forward during the plan period. Whilst this may be the case it does not change my conclusion in this matter.

I do have reservations regarding whether or not the relief road, identified as being of high importance to the community and part of the reasoning behind the site allocation can be achieved, particularly in light of the initial objection from DCC as highway authority.

However, as a result of the Parish Council responses, particularly in connection with my further questions for clarification I am satisfied that the Parish Council consider the allocation is still the best site to meet the Plan's objectives even if the relief road is not achieved as part of the development.

Despite an initial objection to the policy from DCC, as Highway Authority , in response to my questions for clarification have proposed a modification to the Policy and supporting text which the Parish Council do not object to(subject to a minor change). In addition, EDDC have proposed some minor changes to the policy which I have incorporated. I find that these proposed modifications, in addressing the Highway Authority's objection, satisfy my concerns and meet the Basic Conditions.

**For clarity, the supporting text should be modified as follows:**

9.16 Land to the east of Clyst St Mary village adjoining the recently built Greenspire development, as identified on Map 9, is allocated for residential development by policy BisC12, which sets out the key requirements of the Neighbourhood Plan. Detailed development proposals and planning applications should be preceded by a Masterplan for the whole site that reflect these requirements and shows the key design principles that underpin the layout of the overall development scheme. The Masterplan Plan should be subject to agreement with Bishop Clyst Parish Council and the local planning authority.

9.17 The development should deliver, as a minimum, the net strategic housing requirement for Clyst St Mary as indicated by the LPA is necessary to comply with the requirements of the new Local Plan. The maximum number of dwellings on the site should be constrained by design considerations. The overall development should respect its setting in terms of scale, height and massing and acknowledge the rurality of the location. The development should be complementary in character to that of Greenspire and in accordance with the Bishops Clyst Design Code and Guidance.

9.18 The allocated land is within Clyst Valley Regional Park. Development should comply with the Regional Park's objectives, including the establishment of high-quality landscape that will mitigate the landscape and visual impact of the development on the Clyst Valley. As advised by the SEA, it will be important to ensure that any biodiversity net gains not achievable on the site are directed towards protecting nearby priority habitats, such as the deciduous woodland southwest of Westpoint Arena, and take "*opportunities to enhance the ecological connections*

*across the site (between this Woodland and Woodpasture and Floodplain Grazing Marsh across Bishop's Court Lane)".*

9.19 The presence of the Grade II Red Lodge nearby will require an appropriate heritage assessment to ensure the significance of this heritage asset is recognised and, in accordance with the NPPF, development proposals serve to conserve and enhance its value.

9.20 Development proposals should recognise the local demand for small dwellings and include a range of dwelling types and sizes that will provide for a mixed and balanced community. Affordable housing provision must be in accordance with Local Plan and the East Devon Affordable Housing Supplementary Planning Document. The type and tenure of housing provision should reflect local housing needs and policy, as advised by the East Devon Housing Needs and Strategy Team. Priority in the allocation of affordable housing should be given to local households.

9.21 Critical to the development of this site are satisfactory access and egress arrangements for vehicles, cyclists, and pedestrians. The development should have a separate access off Sidmouth Road (A3052) and facilitate crossing of the A3052 to Church Lane for active transport modes and not depend on vehicular access or egress via Greenspire. Arrangements, which will need to be agreed with the Local Highway Authority, should ensure safe and efficient access and egress that will not cause additional congestion or delays on the A3052. Road layout and design should provide adequately for the safety of all anticipated road users as well as the amenity of residents and comply with the standards and requirements of the Local Highway Authority. The planning application should be accompanied by an appropriate assessment of traffic impacts in the area and travel plan measures.

9.22 As part of the package of traffic management measures, Bishop Clyst Parish Council would actively support the closure of Frog Lane to motor traffic, other than for access, if that should prove possible and permissible by the Local Highway Authority. This may be facilitated by the delivery of the New Community proposed in the draft East Devon Local Plan 2020 – 2042, which is likely to significantly alter the local road network and may enable existing traffic to be removed from southern parts of Bishops Court Lane (leading to Frog Lane). Alternatively, this could be facilitated by provision of a vehicular link between Bishops Court Lane and the proposed estate road through the land allocated for development under policy BisC12 subject to

support from the Highway Authority. However, the latter would likely require traffic management measures to be introduced in conjunction with the development to reduce the priority for traffic travelling west on Bishops Court Lane and generally discourage other than local motor traffic from using Bishops Court Lane, to advance its status as a quiet lane suitable for cycling. The necessity of a vehicular link between Bishops Court Lane and the development is therefore proposed to be confirmed following adoption of the East Devon Local Plan 2020-2042, which is expected to provide additional information regarding the infrastructure to be delivered in conjunction with the proposed New Community.

9.23 Development of the land affords an opportunity to extend the Clyst Valley Trail for cyclists and walkers. A safe route, agreeable to the Local Highway Authority, should be an integral part of the Masterplan. Safe pedestrian/cycle links to Clyst St Mary village and other local facilities and destinations, which negate the need to use the A3052, should also be provided for. There are several recreation opportunities for youth and adults in the vicinity. However, the development should include safe play opportunities for younger children near to home and adequate informal recreation/amenity space.

9.24 The need to ensure water supply, drainage, and sewerage are more than adequately provided for, is paramount. Provision must comply with the requirements and standards of South West Water and other relevant bodies.

9.25 Larger residential developments do, in certain locations, create the need for additional employment land. The proximity of many employment opportunities accessible by foot and public transport, and the business development policies of the Neighbourhood Plan, negate the need to promote a mixed-use development on the allocated for development by policy BisC12.

**To meet the Basic Conditions the policy should be modified as follows:**

**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. This allocation will need to come forward on the basis of an agreed masterplan for the whole site that clearly demonstrates how comprehensive development will be undertaken and implemented to deliver a fully integrated**

and co-ordinated housing scheme that complies with the requirements of this policy. The masterplan must include measures to provide fully for infrastructure requirements and appropriate mechanisms for apportionment of development costs and contributions across separately owned land parcels. Planning permission will not be granted for any individual parcel of land in the allocation in the absence of this Masterplan. The masterplan, 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 linking the development to the A3052 junction and to Bishops Court Lane to be fully constructed as part of the first phase of the development. The estate road to be constructed to an adoptable standard suitable for vehicular traffic, to a specification to be agreed with the Local Highway Authority with access to and from Bishops Court Lane limited to pedestrians and cyclists, until such time that the necessity of providing a vehicular access is confirmed following adoption of the East Devon Local Plan 2020-2042 . In the event of the requirement for a vehicular link between the development and Bishops Court Lane, this should be open to the public before occupation exceeds 80% of the total houses on the site and traffic mitigation measures implemented on Bishops Court Lane and Frog Lane to deter their use by through vehicular traffic. The detail specification and timing of the proposed estate road should be included in a s106;
- c) 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;
- d) 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, with best endeavours to connect to adjacent development, e.g. Tillage Way, and subsequently to the Village Hall;
- e) adequate play and amenity space with satisfactory arrangements to cover its future maintenance;

- f) an overall housing density, design and layout in accordance with the Bishops Clyst Design Codes and Guidance;
- g) 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;
- h) affordable housing provision, which satisfies the requirements of the LPA;
- i) 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;
- j) 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;
- k) 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;
- l) 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
- m) the development conforming with other relevant policies in the Neighbourhood Plan.

The site lies within the Zone of Influence for the Exe Estuary SPA and the East Devon Pebblebed Heaths SPA and SAC. All new residential development is required to accord with the requirements set out in the current South-East Devon European Site Mitigation Strategy or any successor document.”

### **Policy BisC13 Community Facilities**

1. Proposals for the redevelopment or change of use of community facilities will only be supported where:

- a) there is no reasonable prospect of viable continued use of the existing building or facility which will benefit the local community
- b) they have been subject to consultation with the local community; and,
- c) it will provide an alternative community use.

2. Proposals for new community facilities that meet a local need will be supported provided:

- a) they will not result in an adverse impact on the amenity of any existing neighbours, including businesses;
- b) there are safe and satisfactory pedestrian and vehicular access arrangements; and
- c) adequate servicing and parking arrangements.

## COMMENT

**I have no comment on this policy.**

### **Policy BisC14 Primary School Provision**

Development proposals to improve existing primary school facilities will be supported where it:

- a) would not have an adverse impact on the character of the area's natural and built environments;
- b) can be safely accessible by pedestrians and cyclists;
- c) has appropriate vehicular access and does not adversely impact upon traffic circulation;
- d) would not result in a significant loss of amenity to local residents or other adjacent uses; and
- e) does not conflict with other policies in the development plan.

## COMMENT

I have no comment on this policy.

### **Policy BisC15 Existing Business Space**

Proposals for change of use of existing business premises away from employment activity will be resisted unless it can be demonstrated that the existing use is no longer economically viable, and all reasonable steps have been taken to let or sell the site or building for employment purposes for a period of at least 12 months.

## COMMENT

EDDC have made the following comment:

*"Understand the inclusion of this policy for completeness and that it features in a less robust form in the made plan. However, we consider that the Local Plan policy is more robust. The adopted Local Plan requires marketing of at least 12 months (and 2 years in some instances) and the incoming Local Plan sets out detailed marketing and viability criteria."*

I agree with these concerns, for clarity the policy should be modified as follows:

### **Policy BisC15 Existing Business Space**

**Proposals for change of use of existing business premises away from employment activity will be resisted unless it can be demonstrated that the existing use is no longer economically viable, and all reasonable steps have been taken to let or sell the site or building for employment purposes for a period of at least 12 months to the satisfaction of the Local Planning Authority, and they are otherwise in accordance with all relevant policies in the Development Plan.**

### **Policy BisC16 Business Areas**

Development proposals on the business areas listed below (and identified on Map 10)

will be supported provided they are in keeping with those uses and business activity already on the sites and do not lead to the outward expansion of the sites.

1. Langdon Business Park
2. Little Bridge Business Park
3. Westpoint
4. Winslade Park

All business/commercial development should:

- a) respect the character of its surroundings by way of its scale and design;
- b) not harm the surrounding landscape;
- c) not adversely affect the significance of any listed building, heritage asset or setting;
- d) not have an adverse effect on its neighbours;
- e) not have an adverse impact on the transport network and parking conditions;
- f) safeguard residential amenity and road safety;
- g) be accessible by a range of modes of sustainable transport including on foot, by bicycle, or by public transport;
- h) mitigate any adverse effects of noise, air pollution light pollution and water pollution;  
and
- i) ensure the development will be safe from flood risk and not increase the flood risk elsewhere.

## **COMMENT**

**EDDC have made the following comments in connection with this policy:**

*"Given the emerging Local Plan is proposing a 1ha allocation at Langdon's Business Park, the policy should acknowledge this – by stating ‘other than where permitted elsewhere in the development plan’. There is also a likely conflict as flagged at Reg 14 with adopted policy E7 which would allow small scale expansion of sites where they are at or near full capacity. However, this is not a strategic policy.*

*Suggest that adverse impacts on neighbours and the transport network should be qualified as not having “any significant adverse impact on”.*

**Having regard for these comments, for clarity and to meet the Basic Conditions the policy should be modified as follows:**

### **Policy BisC16 Business Areas**

**Other than where permitted elsewhere in the development plan, development proposals on the business areas listed below (and identified on Map 10) will be supported provided they are in keeping with those uses and business activity already on the sites and do not lead to the outward expansion of the sites.**

**1. Langdon Business Park**

**2. Little Bridge Business Park**

**3. Westpoint**

**4. Winslade Park**

**All business/commercial development should:**

**a) respect the character of its surroundings by way of its scale and design;**

**b) not harm the surrounding landscape;**

**c) not adversely affect the significance of any listed building, heritage asset or setting;**

**d) not have an adverse effect on its neighbours;**

**e) not have any significant adverse impact on the transport network and parking conditions;**

**f) safeguard residential amenity and road safety;**

**g) be accessible by a range of modes of sustainable transport including on foot, by bicycle, or by public transport;**

**h) mitigate any adverse effects of noise, air pollution light pollution and water pollution; and**

**i) ensure the development will be safe from flood risk and not increase the flood risk elsewhere.**

### **Policy BisC17 Business Development**

1. Proposals to provide small-scale employment opportunities on major new residential developments, or through the change of use of an existing building, or the redevelopment of a brownfield site will be supported provided that the proposals:

a) do not involve the loss of a dwelling;

b) contribute positively to the character and vitality of the local area;

c) do not impact detrimentally upon designated or non-designated heritage assets and their settings;

d) do not significantly harm residential amenity; and

e) do not adversely impact upon road safety.

2. Proposals for new development that combines living and small-scale employment space will be encouraged provided there is no significant adverse impact on residential amenity and character.

3. Where planning consent is required, small-scale, home-based businesses will be supported provided it can be demonstrated that:

- a) residential amenity and the character of the location will not be unacceptably harmed by virtue of noise and disturbance, smell, traffic generation, scale, design, appearance, or nature of operations;
- b) the operation of the business activity can be contained within the existing curtilage of the premises; and
- c) the operation of the business activity does not require substantial external modification of the premises.

## **COMMENT**

**EDDC have raised concerns that Clause 2. of the policy does not provide a safeguard to ensure that in proposals for "live-work units " the living element is subordinate to the work element. For clarity Clause 2. should be modified as follows:**

**Proposals for new development that combines living and small-scale employment space, where the living element is subordinate, will be encouraged provided there is no significant adverse impact on residential amenity and character.**

### **Policy BisC18 Footpaths and Cycleways**

Appropriate improvement and enhancement of public rights of way will be supported as long as their value as wildlife corridors is not harmed.

The appropriate creation and improvement of footpaths and cycleways to form a coherent, connected, and safe network in and around the neighbourhood area and to onward destinations, including the Clyst Valley Trail, will be supported provided there is no negative impact on designated habitats.

## **COMMENT**

**I have no comment on this policy.**

## **Policy BisC19 Parking Provision**

1. Development proposals should provide off-road vehicle parking and servicing spaces commensurate with the level and intensity of the proposed use and the accessibility of the location, to facilitate unimpeded road access for other road users, including motor vehicles and pedestrians.

2. New residential development should provide a minimum of one off-street parking space for dwellings with 1-2 bedrooms,

and a minimum of two off-street spaces for dwellings with 3 or more bedrooms. Proposals for housing developments of four or more dwellings should provide one further off-street visitor parking space per four dwellings.

3. New residential development should provide parking and storage space for cycles in accordance with the requirements of the Local Plan.

4. Proposals to provide additional off-road parking spaces in Clyst St Mary and Sowton villages will be supported where they do not have an adverse impact on:

a) local character;

b) residential amenity;

c) highway safety; and,

d) flood risk (including local surface water flooding)

5. Wherever practicable, permeable materials for surface parking areas shall be used and facilities for charging plugin and other ultralow emission vehicles should be incorporated into the proposal.

6. For public parking areas, as a minimum, the provision of electric vehicle charging points should be in accordance with the prevailing requirements of the development plan.

## **COMMENT**

**I have no comment on this policy.**

### **Policy BisC20 Vehicular Access to Sowton Village**

Proposals for improved alternative vehicular access to Sowton Village with walking and cycling lanes will be supported.

#### **COMMENT**

**I have no comment on this policy.**

### **Policy BisC21 Sports and Recreation Facilities**

1. Development which would result in the loss of the following public sports facilities to a non-sports use on the following sites:

A. Clyst Valley Football Ground

B. Winslade Park Sports and Recreation Area

will not be supported unless:

a) the applicant satisfactorily demonstrates that there is no continuing demand for the facility, and it is not possible to use the facility for other sports; or

b) alternative provision of at least an equivalent quality, size, suitability, and convenience within the Neighbourhood Plan Area is made.

2. Development which would result in the change of use of the following private sports facility to a non-sports or recreation use on the following sites:

C. Clifford Hill Training Ground

D. Exeter Youth Rugby Ground at Oil Mill Lane

will be resisted. If there is no continuing demand for sports or recreation use of the facility, the site should revert to its former use.

3. Improvements and extensions to existing sports and recreation facilities that meet a proven need and/or increase opportunities for local people to participate in leisure, recreation, play and associated social activities will be supported provided that:

a) they do not create unacceptable disturbance to neighbouring properties by way of noise, light spillage, and unsociable hours;

b) the use of any floodlighting has mitigation measures in place to protect nearby residential property and areas of nature conservation; and

c) access and sufficient off-road parking can be satisfactorily provided without harming existing residential and other uses and highway safety is maintained.

#### **COMMENT**

**I have no comment on this policy.**

## SECTION 5

### Conclusion and Recommendations

1. I find that the First Review of the Bishops Clyst Neighbourhood Development Plan has been prepared in accordance with the statutory requirements and processes set out in the Town and County Planning Act 1990 (as amended by the Localism Act 2011) and the subsequent Neighbourhood Planning (General) Regulations 2012. (as amended)
2. The Neighbourhood Plan does not deal with County matters (mineral extraction and waste development), nationally significant infrastructure such as highways and railways or other matters set out in Section 61K of the Town and Country Planning Act 1990.
3. The Bishops Clyst Neighbourhood Development Plan does not relate to more than one Neighbourhood Area and there are no other Neighbourhood Development Plans in place within the Neighbourhood Area.
4. The Strategic Environmental Assessment and Habitats Regulations Assessment meet the EU Obligation.
5. The policies and plans in the First Review of the Bishops Clyst Neighbourhood Development Plan, subject to the recommended modifications would contribute to achieving sustainable development. They have regard to national policy and to guidance, and generally conform to the strategic policies of the East Devon Local Plan 2013 – 2031.
6. The Basic Conditions Statement sets out how the policies of the First Review of the Bishops Clyst Neighbourhood Development Plan are in general conformity with the strategic policies of the emerging East Devon Local Plan to ensure , as far as possible at this stage that the Bishops Clyst NDP will not become out of date once the new Local Plan is adopted.
7. I therefore consider that the First Review of the Bishops Clyst Neighbourhood Development Plan subject to the recommended modifications can proceed to Referendum.

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10 July 2025