

**Clyst St Mary and Sowton (Bishops Clyst)
Neighbourhood Plan
(2023-2040)**

Basic Conditions Statement

**Bishops Clyst Parish Council
December 2024**

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Introduction

The Clyst St Mary and Sowton Neighbourhood Plan has been produced by Bishops Clyst Parish Council, as the 'qualifying body' with overall responsibility for the preparation, consultation, and submission of the Neighbourhood Plan. The development of the Plan and management of the process was marshalled by a Neighbourhood Plan Steering Group comprised of members of the community and parish councillors.

What are the Basic Conditions and why do we need this Statement?

The 'Basic Conditions' are a set of conditions that a neighbourhood plan must pass, for it to proceed to referendum. In relation to neighbourhood plans, a plan will pass the basic conditions if:

- A. having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan
- B. the making of the plan contributes to the achievement of sustainable development
- C. the making of the plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)
- D. the making of the plan does not breach, and is otherwise compatible with, EU obligations
- E. prescribed conditions are met in relation to the plan order and prescribed matters have been complied with in connection with the proposal for the plan

These requirements (and those for neighbourhood development orders) are formally set out in of paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990 Act (as amended by the Localism Act 2011)¹.

This Basic Conditions Statement for Clyst St Mary and Sowton is submitted alongside the Neighbourhood Plan. In submitting the Statement and, through its content demonstrate how our Plan meets the Basic Conditions, we have satisfied one of the requirements of Regulation 15(1) of the Neighbourhood Planning (General) Regulations 2012. This Regulation sets out what the Parish Council, as the 'qualifying body', must submit as part of the neighbourhood plan proposal. Regulation 15(1)² states that:

“(1) Where a qualifying body submits a plan proposal to the local planning authority, it must include—

- a) a map or statement which identifies the area to which the proposed neighbourhood development plan relates;*
- b) a consultation statement;*
- c) the proposed neighbourhood development plan; and*
- d) a statement explaining how the proposed neighbourhood development plan meets the requirements of paragraph 8 of Schedule 4B to the 1990 Act.”* (i.e. this Statement).

¹ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted> They are also set out in the National Planning Practice Guidance at <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

² See <http://www.legislation.gov.uk/uksi/2012/637/regulation/15/made>

Our Neighbourhood Area

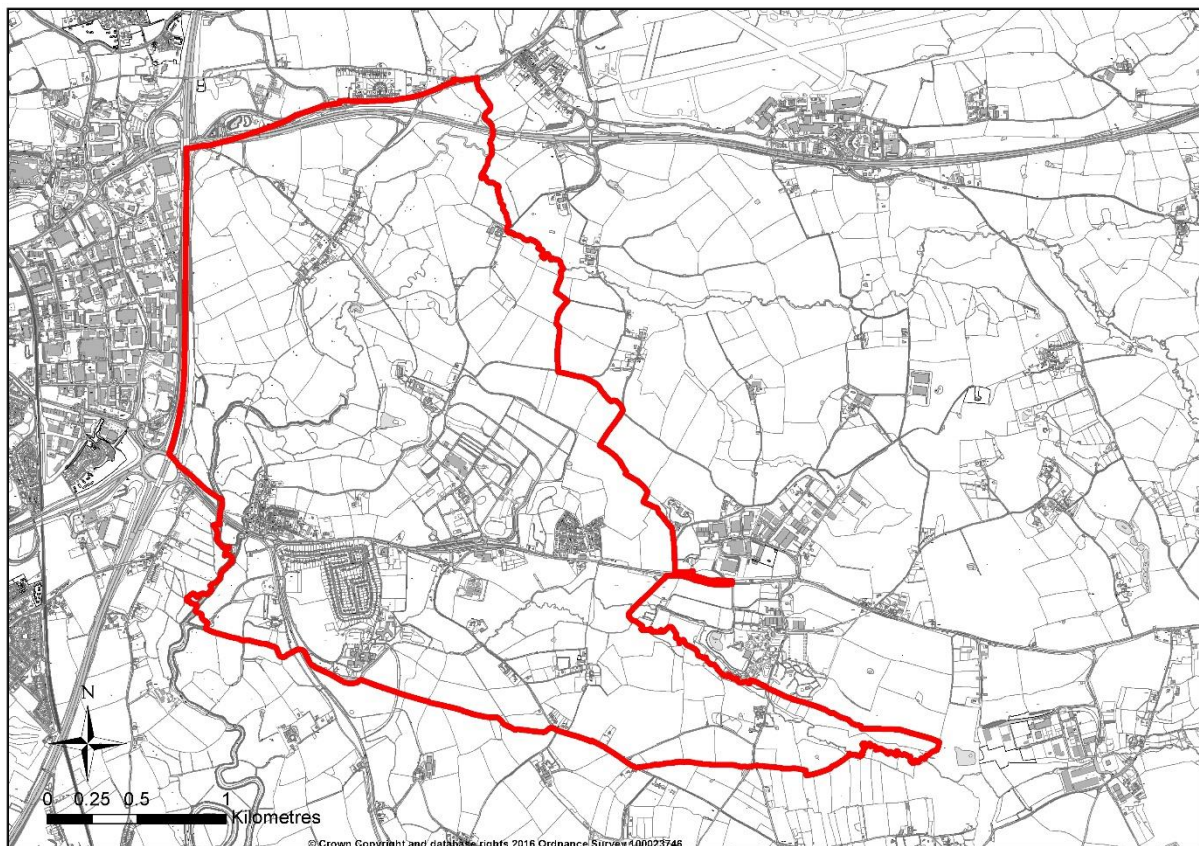
The first formal part of the process of developing our Neighbourhood Plan was the confirmation of our Neighbourhood Area, or the area for which the Parish Council, as the 'qualifying body' for neighbourhood planning has the right to produce a plan for. Our application to designate the Neighbourhood Area was submitted, as required by Regulation 5 of the Neighbourhood Planning (General) Regulations 2012, to East Devon District Council as the local planning authority in October 2015. This application, using East Devon District Council's standard pro forma, is reproduced in Appendix 1 to this Statement.

Our Neighbourhood Area was formally approved by East Devon District Council in March 2014. Our approved Neighbourhood Area is the combined parish boundaries for Clyst St Mary and Sowton and is indicated by the red boundary below in Figure 1.

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 of wanting "East Devon District Council to use the Neighbourhood Plan for Bishops Clyst to help it decide planning applications in the neighbourhood area".

In 2021 Bishops Clyst Parish Council decided to undertake a review of the Neighbourhood Area's Neighbourhood Plan to ensure that it remains effective in meeting the objectives and ambitions of the community and to ensure that it will remain in conformity with strategic requirements of the East Devon Local Plan.

Figure 1 – Approved Bishops Clyst Neighbourhood Area



Why do we need a Neighbourhood Plan?

Bishops Clyst neighbourhood area is an area close to the city of Exeter that still manages to retain a sense of rurality. It has been regularly under pressure from developers in recent years. The East Devon Local Plan provides a strategic framework that designates most of the Parish as countryside and puts in place strategic policies, some of which, recognise the special character of our rural landscape and environment and address its vulnerability to development pressures.

The reasons for producing a Neighbourhood Plan for the Bishops Clyst neighbourhood area were:

- we wanted to develop local planning policies that influence the scale, type, design, and form of development which may come forward;
- we wanted to have a say in shaping the future of our neighbourhood area including how our valued assets are protected and enhanced, and how community life can be more sustainable;
- we wanted to have some control over local planning matters and decisions;
- we wanted to ensure that new development had a limited but positive effect.

Bishops Clyst Parish Council is now proposing to make a series of modifications to the ‘made’ plan for several reasons, including:

- to ensure that the Neighbourhood Plan remains in conformity with the more recently updated NPPF (Dec. 2024)
- to ensure that the Neighbourhood Plan takes account of the emerging strategies of the new Local Plan;
- to provide additional capacity and certainty regarding the location of residential development in the neighbourhood area during the plan period;
- to add more detail and specificity to policies, as suggested by the LPA following a review of the efficacy of the Bishops Clyst Neighbourhood Plan 2014-31;
- to ensure that the Neighbourhood Plan for Bishops Clyst continues to reflect the community’s opinions and aspirations post-Covid and reflects a heightened local awareness of the impact of climate change on the area.

The Clyst St Mary and Sowton Neighbourhood Plan was developed with the participation of local people through a process of regular dissemination of information and community consultation. This process is summarised in the introductory sections of the Neighbourhood Plan and set out in detail in the Consultation Statement that also accompanies the submitted Neighbourhood Plan.

Having explored the issues and identified the key themes, messages, and things of importance to the community, The Neighbourhood Plan has been framed around the following agreed aims and objectives:

Bishops Clyst Neighbourhood Development Strategy – Aims and Objectives

| <i>Natural Environment and Countryside</i> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Aim: To protect and maintain our unique natural environment and diverse habitats, prevent flooding’ increase resilience to climate change, and maintain the rural nature of the Parish</i> |
| <ul style="list-style-type: none"> • Protect existing habitat areas • Take every opportunity to enhance biodiversity • Restrict development in the countryside • Protect trees and woodlands • Plant more trees • Improve standards of flood protection for property in vulnerable locations in the Parish • Improve surface water drainage to prevent flooding throughout the Parish |
| <i>Built Environment</i> |
| <i>Aim: To protect our heritage and the historic character of our villages, determine the acceptable limits of development, and set appropriate development standards</i> |

| |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> • Protect historic buildings, character and identity of the villages and other settlement areas • Ensure development is appropriate to its locality and setting • Positively influence the layout and design of new developments • Reinforce the sense of local character and rurality of the area • Identify sites acceptable for development • Require developers to set out sustainability measures of development • Ensure adequate infrastructure is in place before development takes place |
| Housing |
| <i>Aim: To ensure new housing development is sustainable, beneficial to the housing needs of the area, and in keeping with its surroundings</i> |
| <ul style="list-style-type: none"> • Require new housing development to help maintain a locally relevant mix of housing types and tenures • Set site-specific access and layout criteria for housing development sites • Support sustainability standards for housing development • Provide design guidance for developers • Require adequate off-street parking and service provision for new development • Require private outdoor space is provided commensurate with the type and size of new dwellings • Require adequate amenity and public open space for residential areas • Promote self-build initiatives that meet local need |
| Community Facilities and Services |
| <i>Aim: To protect and enhance local facilities to ensure they continue to meet local needs, and improve access and accessibility to local facilities and services</i> |
| <ul style="list-style-type: none"> • Support improvements to existing facilities and establishments to remain fit for purpose • Ensure primary school provision can continue to meet local demand • Protect existing public parking facilities • Require public parking facilities to be provided in appropriate developments • Require all new residential, educational, and business premises development to make provision for high-speed broadband |
| Business and Jobs |
| <i>Aim: To protect existing business and commercial premises and sites, support homeworking, and restrict new business development to suitable locations and sites</i> |
| <ul style="list-style-type: none"> • Direct new business to existing business areas • Resist commercial development on agricultural land |
| Transport and Travel |
| <i>Aim: Facilitate sustainable transport modes, improve parking in the Parish for local people, improve road safety for all users</i> |
| <ul style="list-style-type: none"> • Support the provision of additional off-street parking • Support the provision of EV charging points in appropriate locations • Support the provision of more and better pavements • Improve and maintain existing footpaths • Facilitate a new footpath link to Cat & Fiddle that avoids the A3052 • Support the extension of the network of footpaths and safe cycleways to improve public access to the countryside • Support the creation of traffic-free linkages between the Parish and nearby settlements • Support improved safe cycle links between residential areas and local business and community locations • Facilitate improved public transport access and services • Support provision of an alternative vehicular access to Sowton village |
| Sports and Recreation |
| <i>Aim: To maintain and improve existing recreation facilities, provide sufficient community spaces for recreation, increase sporting options for all</i> |
| <ul style="list-style-type: none"> • Protect existing community spaces and current facilities and support enhancements that meet local needs • Encourage provision of a wide range of outdoor and indoor sports • Ensure there is adequate play space close to residential areas |

Summary of Compliance with Legislation

This section sets out how the Clyst St Mary and Sowton Neighbourhood Plan and process has complied with the requirements set out in the Neighbourhood Plan regulations.

Qualifying Body

A 'qualifying body' is defined by Section 38A(12) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act³ as *"a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area..."*.

Section 38A(1) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act⁴ sets out the qualifying body's entitlement to prepare a Neighbourhood Plan. It states that:

"(1) Any qualifying body is entitled to initiate a process for the purpose of requiring a local planning authority in England to make a neighbourhood development plan."

We confirm that the Neighbourhood Plan has been prepared by Bishops Clyst Parish Council as the 'qualifying body' for the purposes of Neighbourhood Planning.

Neighbourhood Area

The Neighbourhood Area (shown in Figure 1) was applied for in 2013 and approved in 2014 through the process set out in the Neighbourhood Planning (General) Regulations 2012 (Regulations 5 to 7)⁵. Both the application and the approval/decision documents are appended to this Statement (Appendices 1 and 2).

What a Neighbourhood Plan is and the Content of the Neighbourhood Plan

Section 38A(2) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act⁶ sets out the meaning of 'neighbourhood development plan'. It states that:

"(2) A "neighbourhood development plan" is a plan which sets out policies (however expressed) in relation to the development and use of land in the whole or any part of a particular neighbourhood area specified in the plan."

Section 38B(1) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act⁷ sets out what the Plan may include. It states that:

"(1) A neighbourhood development plan—
(a) must specify the period for which it is to have effect,
(b) may not include provision about development that is excluded development, and
(c) may not relate to more than one neighbourhood area."

'Excluded development' is defined in Section 68K of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act⁸ as:

"(a) development that consists of a county matter within paragraph 1(1)(a) to (h) of Schedule 1,
(b) development that consists of the carrying out of any operation, or class of operation, prescribed under paragraph 1(j) of that Schedule (waste development) but that does not consist of development of a prescribed description,

³ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

⁴ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

⁵ See <http://www.legislation.gov.uk/uksi/2012/637/regulation/5/made>

⁶ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

⁷ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

⁸ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

(c) development that falls within Annex 1 to Council Directive [85/337/EEC](#) on the assessment of the effects of certain public and private projects on the environment (as amended from time to time),
(d) development that consists (whether wholly or partly) of a nationally significant infrastructure project (within the meaning of the Planning Act 2008),
(e) prescribed development or development of a prescribed description, and
(f) development in a prescribed area or an area of a prescribed description.”

Section 38B(2)⁹ states that:

“(2) Only one neighbourhood development plan may be made for each neighbourhood area.”

In response to these requirements, we confirm that the Clyst St Mary and Sowton Neighbourhood Plan:

- covers the period up until 2040, aligning with the plan period of the new East Devon Local Plan
- is the only Neighbourhood Plan for the parished area of Bishops Clyst
- does not contain policies relating to ‘excluded development’¹⁰
- relates only to the defined Neighbourhood Area set out in Figure 1 of this report
- sets out policies in relation to the development and use of land

Several issues and non-planning matters were raised by our community during the consultation process. These need to be addressed outside of the remit of the Neighbourhood Plan. They were referred to the Parish Council for further consideration and action. This, importantly, joins up and links other community actions which, while not dealt with by the planning system, are nevertheless important matters which relate to people, services, projects or how we live in our community.

Submission Documents

As referred to earlier in this Statement, all the documents required for submission by Regulation 15(1) of the Neighbourhood Planning (General) Regulations are included in the submission package for the Neighbourhood Plan.

Basic Conditions

As referred to earlier in this Statement, we consider that all the Basic Conditions (set out in of paragraph 8(2) of Schedule 4B to the 1990 Act (as amended) by the Localism Act 2011.¹¹) have been met, as demonstrated in this Statement.

⁹ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

¹⁰ No policy in the Neighbourhood Plan relates to county matters (mineral extraction and waste development) or to any Nationally Significant Infrastructure Projects

¹¹ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted> They are also set out in the National Planning Practice Guidance at <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

Content of Our Neighbourhood Plan Proposal

To comply with the requirements of Regulation 15(1) of the Neighbourhood Planning (General) Regulations 2012¹², and to provide sufficient material to help demonstrate that the Basic Conditions have been met, the following documents have been submitted to the local planning authority:

- The Neighbourhood Plan (which includes a map and statement which identifies the area to which our Plan relates)
- A Consultation Statement
- A Basic Conditions Statement (this document)
- A Modification Statement

¹² See <http://www.legislation.gov.uk/uksi/2012/637/regulation/15/made>

How our modified Neighbourhood Plan meets the Basic Conditions

A. Having Regard to National Policies and Advice Contained in Guidance Issued by the Secretary of State

| Neighbourhood Plan Policies | National Planning Policy Framework (Dec 2024) | How has the Neighbourhood Plan had regard to national policies and advice? |
|-----------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policy BisC01 Protecting and Enhancing Geodiversity, Biodiversity and Wildlife | NPPF para.193 - <i>if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;</i> | Policy BisC01 requires development to avoid harming wildlife habitats and deliver a significant net biodiversity gain or it will not be supported |
| Policy BisC02 Protecting Trees and Woodlands | NPPF para.193 - <i>development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused,</i> | Policy BisC02 protects important woodland habitats and trees |
| Policy BisC03 Minimising Flood Risk | NPPF para.172 - <i>using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding,</i> | Policy BisC03 requires development to minimise flood risk and supports flood defence works and SuDs |
| Policy BisC04 Development Outside the Clyst St Mary Settlement Boundary | NPPF para.88 - <i>Planning policies should enable: b) the development and diversification of agricultural and other land-based rural businesses; c) sustainable rural tourism and leisure developments which respect the character of the countryside;</i> | Policy BisC04 limits development in the countryside and supports development for the purposes of agriculture, or outdoor recreation, or farm diversification if they do not harm the nature and character of the countryside |
| Policy BisC05 Green Wedge | NPPF para.124 - <i>Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment</i> | Policy BisC05 supports the green wedge policy of the Local Plan, which is in place to prevent the coalescence of residential areas and ensure that the separate and unique rural identity of the settlement areas of the Parish are retained |
| Policy BisC06 Heritage Assets | NPPF para.203 - <i>Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats.</i> | Policy BisC06 requires development proposals affecting designated and non-designated heritage assets to be cognisant of their significance |
| Policy BisC07 Maintaining Local Character | NPPF para.135 - <i>Planning policies and decisions should ensure that developments: are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change</i> | Policy BisC07 requires development to be of a high standard and sympathetic to local character and history, including the surrounding built environment and landscape setting |
| Policy BisC08 Local Green Space | NPPF para.106 - <i>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.</i> | Policy BisC08 designates land of importance to the community as a local green space to protect its current amenity and use |

| Neighbourhood Plan Policies | National Planning Policy Framework (Dec 2024) | How has the Neighbourhood Plan had regard to national policies and advice? |
|----------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policy BisC09 Sustainable Development | NPPF para.30 - <i>Neighbourhood plans can shape, direct and help to deliver sustainable development</i> | Policy BisC09 sets locally appropriate sustainable development criteria |
| Policy BisC10 Infrastructure | NPPF para.11 - <i>all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure;</i> | Policy BisC10 requires development proposals to include the provision of adequate physical and social infrastructure |
| Policy BisC11 Clyst St Mary Settlement Boundary | NPPF para.135 - <i>ensure the development that does take place will function well and add to the overall quality of the area.... are sympathetic to local character and history.... establish or maintain a strong sense of place</i> | Policy BisC11 establishes the extent of the built-up area within which development will generally be supported |
| Policy BisC12 Land East of Clyst St Mary | NPPF para.74 - <i>Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 73a) suitable for housing in their area.</i> | Policy BisC12 allocates a medium-sized site for residential development |
| Policy BisC13 Community Facilities | NPPF para.98 - <i>guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;</i> | Policy BisC13 safeguards existing community facilities |
| Policy BisC14 Primary School Provision | NPPF para.100 - <i>give great weight to the need to create, expand or alter ... schools ... through the preparation of plans and decisions on applications;</i> | Policy BisC14 supports the provision of new additional or improvement of existing primary school facilities |
| Policy BisC15 Existing Business Space | NPPF para.85 - <i>Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs</i> | Policy BisC15 protects existing business space |
| Policy BisC16 Business Areas | NPPF para.88 - <i>Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed beautiful new buildings;</i> | Policy BisC16 supports new business development at several of the existing business parks |
| Policy BisC17 Business Development | NPPF para.86 - <i>allow for new and flexible working practices</i> | Policy BisC17 supports appropriate small-scale business development in residential areas and settings |
| Policy BisC18 Footpaths and Cycleways | NPPF para.111 - <i>Planning policies should... provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking;</i> | Policy BisC 18 supports new and improved walking and cycling networks |
| Policy BisC19 Parking Provision | NPPF para.112 - <i>If setting local parking standards for residential and non-residential development, policies should take into account: a) the accessibility of the development; b) the type, mix and use of development;</i> | Policy BisC19 supports the provision of off-street parking areas to minimise road congestion and for road safety and promotes the use of low-emission vehicles |

| Neighbourhood Plan Policies | National Planning Policy Framework (Dec 2024) | How has the Neighbourhood Plan had regard to national policies and advice? |
|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------|
| Policy BisC20 Vehicular Access to Sowton Village | NPPF para.89 - <i>any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).</i> | Policy BisC20 supports better and more sustainable links to the village |
| Policy BisC21 Sports and Recreation Facilities | NPPF para.88 - <i>the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space...</i> | Policy BisC21 protects existing public sports and recreation areas and facilitates appropriate development to meet needs |

B. The Making of the Plan Contributes to the Achievement of Sustainable Development

The Neighbourhood Plan has been developed within the context of the definition of sustainable development in the National Planning Policy Framework and that in the East Devon Local Plan. The tables below set out how we feel that our Neighbourhood Plan has dealt with the achievement of sustainable development against the key relevant parts of the NPPF and East Devon Local Plan.

| National Planning Policy Framework Paragraph | How our Plan contributes towards this |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):</i></p> <p><i>a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;</i></p> <p><i>b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and</i></p> <p><i>c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.</i></p> <p>(Paragraph 8)</p> | <p>The Clyst St Mary and Sowton Neighbourhood Plan has embraced all three dimensions to sustainable development.</p> <p>The following policies of our Plan address the economic dimension of sustainable development: Policy BisC15 Existing Business Space Policy BisC16 Business Areas Policy BisC17 Business Development</p> <p>The following policies of the Neighbourhood Plan address the social dimension of sustainable development: Policy BisC08 Local Green Space Policy BisC13 Community Facilities Policy BisC14 Primary School Provision Policy BisC18 Footpaths and Cycleways Policy BisC21 Sports and Recreation Facilities</p> <p>The following policies of the Neighbourhood Plan address the environmental dimension of sustainable development: Policy BisC01 Protecting and Enhancing Geodiversity, Biodiversity and Wildlife Policy BisC02 Protecting Trees and Woodlands Policy BisC03 Minimising Flood Risk Policy BisC04 Development Outside the Clyst St May Settlement Boundary Policy BisC05 Green Wedge</p> |
| <p><i>Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.</i></p> <p>(Paragraph 10)</p> | <p>As our Consultation Statement demonstrates we have carried out consultations to ensure the modified Plan reflects community priorities and we have explored the options to deliver the development we need in a sustainable manner.</p> |
| <p><i>Plans and decisions should apply a presumption in favour of sustainable development.</i></p> <p><i>For plan-making this means that:</i></p> | <p>The Clyst St Mary and Sowton Neighbourhood Plan has been mindful of the need to promote sustainable</p> |

| National Planning Policy Framework Paragraph | How our Plan contributes towards this |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;</i> (NPPF Paragraph 11)</p> | <p>development within the context of a characterful rural environment. Plan-making has attempted to achieve a balance between achieving the strategic requirements and targets of the Local Plan whilst safeguarding local assets and ensuring local aspirations and sustainability are taken fully into account.</p> |
| <p><i>The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.</i> (NPPF Paragraph 13)</p> | <p>We have developed the Neighbourhood Plan taking into account the strategic policies of the Local Plan and those of the emerging new Local Plan, to ensure that the Neighbourhood Plan is consistent with the overall development strategy for East Devon.</p> |
| <p><i>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.</i> (NPPF Paragraph 30)</p> | <p>The neighbourhood planning process has enabled a positive community dialogue to take place about what development is necessary and how it can be best accommodated and facilitated. Part of the process has been to agree what is important to us and how this can be protected and enhanced by development to realise our vision for the future.</p> |
| <p><i>identify suitable locations for such development where this can help to meet identified needs in a sustainable way</i> (NPPF Paragraph 77)</p> | <p>The Neighbourhood Plan promotes sustainable development in a location where it will help maintain or enhance the vitality of local communities. Policy BisC12 Land East of Clyst East Mary identifies the preferred location based on a thorough assessment process and consultations.</p> |
| <p><i>To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.</i> (NPPF Paragraph 83)</p> | <p>Policy BisC12 Land East of Clyst East Mary identifies the preferred location within the neighbourhood area based on site assessments a thorough options appraisal, and consultations.</p> |
| <p><i>Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.</i> (NPPF Paragraph 85)</p> | <p>The following policies in the Neighbourhood Plan are relevant to supporting economic growth and promoting a strong rural economy: Policy BisC04 Development Outside the Clyst St May Settlement Boundary Policy BisC15 Existing Business Space Policy BisC16 Business Areas Policy BisC17 Business Development</p> |
| <p><i>.... ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).</i> (NPPF Paragraph 89)</p> | <p>Development policies in the Neighbourhood Plan set essential criteria to ensure new development does not have an unacceptable impact on local roads. Opportunities to create an improved network of walking and cycling routes are facilitated by: Policy BisC12 Land East of Clyst East Mary Policy BisC18 Footpaths and Cycleways Policy BisC20 Vehicular Access to Sowton Village</p> |
| <p><i>To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:</i> <i>a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;</i></p> | <p>The Neighbourhood Plan aims to ensure that we maintain a range of local recreation facilities that are flexible enough to accommodate a range of community activities and help ensure our community remains and becomes more sustainable. Policy BisC08 Local Green Space Policy BisC13 Community Facilities Policy BisC21 Sports and Recreation Facilities</p> |

| National Planning Policy Framework Paragraph | How our Plan contributes towards this |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;</p> <p>c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;</p> <p>d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and</p> <p>e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.</p> <p>(NPPF Paragraph 98)</p> | |
| <p>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.</p> <p>(NPPF Paragraph 106)</p> | <p>Policy BisC08 designates an area of land that is highly valued and well used by the community and should be protected from development.</p> |
| <p>Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.</p> <p>(NPPF Paragraph 110)</p> | <p>The following policies in our Plan are relevant to encouraging the greater use of sustainable transport modes:</p> <p>Policy BisC12 Land East of Clyst East Mary</p> <p>Policy BisC18 Footpaths and Cycleways</p> |
| <p>Planning policies should:</p> <p>b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;</p> <p>(NPPF Paragraph 111)</p> | <p>The following policies in the Neighbourhood Plan are relevant to facilitating more sustainable transport habits and have been discussed at length with the local highways authority:</p> <p>Policy BisC12 Land East of Clyst East Mary</p> <p>Policy BisC18 Footpaths and Cycleways</p> <p>Policy BisC19 Parking Provision</p> <p>Policy BisC20 Vehicular Access to Sowton Village</p> |
| <p>The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.</p> <p>(NPPF Paragraph 131)</p> | <p>Policy BisC09 Sustainable Development focusses on sustainable design and development in new developments and is supported by a set of Design Codes for the neighbourhood area.</p> |

| East Devon Local Plan Policy | How our plan contributes towards this |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Strategy 3 - Sustainable Development:</p> <p>The objective of ensuring sustainable development is central to our thinking. We interpret sustainable development in East Devon to mean that the following issues and their inter-relationships are taken fully into account when considering development:</p> <p>a) Conserving and Enhancing the Environment - which includes ensuring development is undertaken in a way that minimises harm and enhances biodiversity and the</p> | <p>The following policies provide example of how the Neighbourhood Plan reflects and complements the sustainability strategy of the Local Plan:</p> <p>Policy BisC01 Protecting and Enhancing Geodiversity, Biodiversity and Wildlife</p> <p>Policy BisC02 Protecting Trees and Woodlands</p> <p>Policy BisC03 Minimising Flood Risk</p> <p>Policy BisC13 Community Facilities</p> <p>Policy BisC14 Primary School Provision</p> |

| East Devon Local Plan Policy | How our plan contributes towards this |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><i>quality and character of the landscape. This includes reducing the risk of flooding by incorporating measures such as sustainable drainage systems. Developers should maximise the proportion of their developments that take place on previously developed land</i></p> <p><i>b) Prudent natural resource use - which includes minimising fossil fuel use therefore reducing carbon dioxide emissions. It also includes minimising resource consumption, reusing materials and recycling.</i></p> <p><i>Renewable energy development will be encouraged</i></p> <p><i>c) Promoting social wellbeing - which includes providing facilities to meet people’s needs such as health care, affordable housing, recreation space and village halls.</i></p> <p><i>d) Encouraging sustainable economic development - which includes securing jobs.</i></p> <p><i>e) Taking a long-term view of our actions - Ensuring that future generations live in a high-quality environment where jobs, facilities, education and training are readily available.</i></p> | <p>Policy BisC15 Existing Business Space Policy BisC16 Business Areas Policy BisC17 Business Development</p> |
| <p>Strategy 5 – Environment: <i>All development proposals will contribute to the delivery of sustainable development, ensure conservation and enhancement of natural historic and built environmental assets, promote eco-system services and green infrastructure and geodiversity. Open spaces and areas of biodiversity importance and interest (including internationally, nationally and locally designated sites and also areas otherwise of value) will be protected from damage, and the restoration, enhancement, expansion and linking of these areas to create green networks will be encouraged through a combination of measures to include.....</i></p> | <p>The following policies provide example of how the Neighbourhood Plan address the environmental preservation and enhancement agenda of the Local Plan: Policy BisC01 Protecting and Enhancing Geodiversity, Biodiversity and Wildlife Policy BisC02 Protecting Trees and Woodlands Policy BisC03 Minimising Flood Risk Policy BisC04 Development Outside the Clyst St Mary Settlement Boundary</p> |
| <p>Strategy 5B – Sustainable Transport <i>Development proposals should contribute to the objectives of promoting and securing sustainable modes of travel and transport. Development will need to be of a form, incorporate proposals for and be at locations where it will encourage and allow for efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.</i></p> | <p>The following policies provide example of how the Neighbourhood Plan address the sustainable transport agenda of the Local Plan: Policy BisC12 Land East of Clyst East Mary Policy BisC18 Footpaths and Cycleways Policy BisC19 Parking Provision Policy BisC20 Vehicular Access to Sowton Village</p> |

The Clyst St Mary and Sowton Neighbourhood Plan has been required to undertake a Strategic Environmental Assessment (SEA) and we decided to have carried out a Habitats Regulations Assessment (HRA). The explanation and outcome are set out in Section D of this Report.

C. The Making of the Plan is in General Conformity with the Strategic Policies Contained in the Development Plan for the Area of the Authority (Or Any Part of That Area)

| Neighbourhood Plan Paragraphs and/or Policies | East Devon Local Plan Strategic Policies | How does the Neighbourhood Plan demonstrate that it is in general conformity with the strategic policies? |
|-----------------------------------------------------------------------------------|--------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| Policy BisC01 Protecting and Enhancing Geodiversity, Biodiversity and Wildlife | Strategy 3 - Sustainable Development | Policy BisC01 supports development in a way that minimises harm and enhances biodiversity and the quality and character of the landscape |
| Policy BisC02 Protecting Trees and Woodlands | Strategy 5 – Environment | Policy BisC02 seeks to minimising the fragmentation of habitats and support the creation of new habitats to create an ecological network |
| Policy BisC03 Minimising Flood Risk | Strategy 3 - Sustainable Development | Policy BisC03 seeks to reduce the risk of flooding by incorporating measures such as sustainable drainage systems |
| Policy BisC04 Development Outside the Clyst St Mary Settlement Boundary | Strategy 7 – Development in the Countryside | Policy BisC04 restricts development in the interests of protecting the countryside |
| Policy BisC05 Green Wedge | Strategy 8 - Development in Green Wedges | Policy BisC05 defines and limits the development that can take place in the designated green wedge area in the Parish |
| Policy BisC06 Heritage Assets | Strategy 49 – The Historic Environment | Policy BisC06 seeks to conserve the historic environment |
| Policy BisC07 Maintaining Local Character | Strategy 6 - Development within Built-Up Area Boundaries | Policy BisC07 safeguards the character of the settlement areas |
| Policy BisC08 Local Green Space | Strategy 5 – Environment | Policy BisC08 designates a valuable green space for protection |
| Policy BisC09 Sustainable Development | Strategy 38 - Sustainable Design and Construction | Policy BisC09 promotes sustainable design and construction |
| Policy BisC10 Infrastructure | Strategy 50 - Infrastructure Delivery | Policy BisC10 seeks to ensure infrastructure requirements that arise as a direct consequence of developments are met in full |
| Policy BisC11 Clyst St Mary Settlement Boundary | Strategy 6 - Development within Built-Up Area Boundaries | Policy BisC11 up-dates the delineation of the built-up area boundary in accordance with criteria of the Local Plan |
| Policy BisC12 Land East of Clyst St Mary | Strategy 38 - Sustainable Design and Construction | Policy BisC12 establishes appropriate sustainable development criteria for the site |
| Policy BisC13 Community Facilities | Strategy 32 - Resisting Loss of Employment, Retail and Community Sites and Buildings | Policy BisC13 safeguards spaces used by or for job generating uses and community and social gathering purposes, such as pubs, shops and post offices. |
| Policy BisC14 Primary School Provision | Strategy 4 - Balanced Communities | Policy BisC14 seeks to ensure there is a match between jobs, homes, education, and social and community facilities. |
| Policy BisC15 Existing Business Space | Strategy 32 - Resisting Loss of Employment, Retail and Community Sites and Buildings | Policy BisC15 safeguards spaces used by or for job generating uses and community and social gathering purposes, such as pubs, shops and post offices. |
| Policy BisC16 Business Areas | Strategy 31 - Future Job and Employment Land Provision | Policy BisC16 supports local employment development to reduce the need for commuting |
| Policy BisC17 Business Development | Strategy 31 - Future Job and Employment Land Provision | Policy BisC17 promotes mixed use developments and provision of employment uses close to where people live |
| Policy BisC18 Footpaths and Cycleways | Strategy 5B – Sustainable Transport | Policy BisC18 promotes sustainable modes of travel and transport |

| | | |
|-----------------------------------------------------|-------------------------------------|------------------------------------------------------------------------------------------------------------|
| Policy BisC19 Parking Provision | Strategy 5B – Sustainable Transport | Policy BisC19 supports low impact of cars on the environment and provision for ultra-low emission vehicles |
| Policy BisC20 Vehicular Access to Sowton Village | Strategy 5B – Sustainable Transport | Policy BisC20 promotes sustainable modes of travel and transport |
| Policy BisC21 Sports and Recreation Facilities | Strategy 4 - Balanced Communities | Policy BisC21 safeguards the local green infrastructure and health and community facilities |

Statement:

Bishops Clyst Parish Council is aware of the emerging new Local Plan for East Devon and the timetable associated with it. In preparing the modified version of the Clyst St Mary and Sowton (Bishops Clyst) Neighbourhood Plan the Review Group has maintained a two-way dialogue with the Local Planning Authority (EDDC) throughout, to ensure that the Neighbourhood Plan is in general conformity with new Local Plan and does not conflict with the draft strategic policies as they are understood; and the new Local Plan embraces the land use planning approach and aspirations of the community.

D. The Making of the Plan Does Not Breach, and is Otherwise Compatible with, EU Obligations

A screening process was carried out by East Devon District Council to determine whether a Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004; and / or a Habitats Regulation Assessment (HRA) in accordance with Article 6(3) of the EU Habitats Directive and with Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended). Through consultation with the statutory environmental agencies, East Devon District Council advised us

In May 2023 EDDC carried out a screening exercise for both a SEA and an HRA. EDDC confirmed that regarding an SEA, *“as there is insufficient evidence available to conclude that harm will not occur to the environment as a result of the residential allocations in particular, a Strategic Environmental Assessment is required”*. Regarding an HRA, it was considered that there is potential for significant effects on two European sites, but strategic mitigation is in place through Strategy 5 of the East Devon Local Plan. EDDC concluded that in combination with the Local Plan Policy, there will be no impact on the integrity of the European sites.

An SEA¹³ and HRA¹⁴ have influenced the contents of the submission Version of the Clyst St Mary and Sowton Neighbourhood Plan. The basic conditions concerning Habitats and Environmental Impact Assessment as described in Schedules 2 and 3 of the Regulations have been accounted for.

Neighbourhood Plans are also required to take account of **European Human Rights** requirements. The Clyst St Mary and Sowton Neighbourhood Plan has regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and comply with the Human Rights Act 1998.

The principal parts of the European Convention on Human Rights that can be relevant to neighbourhood plans are: Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property). In preparing the draft Neighbourhood Plan, Clyst St Mary and Sowton Parish Council, through its Steering Group, has acted in an open way, but always respecting the privacy of those participating. The interests of all sectors of the community have been taken into account, especially in ensuring that the Neighbourhood Plan would take account of the needs and aspirations of the more vulnerable members of our community including the elderly and disabled, and younger people – thus ensuring no unfair discrimination. The consultation process included all locally resident people in these groups as well as some organisations outside the plan area but with responsibilities or interests extending over some, or all, of the area of the draft Plan.

The Parish Council also believes that its policies will not affect property rights beyond the legitimate role of the town and country planning system in operation where policies are properly explained and justified.

¹³https://bishopsclyst.org.uk/wp-content/uploads/2024/11/241113-Clyst-St-Mary-and-Sowton-NP_SEA-Environmental-Report_v3.0.pdf

¹⁴https://www.bishopsclyst.org.uk/wp-content/uploads/2023/11/HRA-Final-Clyst-Sowton-Neighbourhood-Plan_May23.pdf

E. The Prescribed Conditions Are Met in Relation to the Plan and Prescribed Matters Complied with in Connection with the Proposal for the Plan

Section 38A(12) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act¹⁵ sets out the definition of “prescribed”. It means conditions prescribed by regulations made by the Secretary of State.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out one basic condition in addition to those set out in the primary legislation. This is:

- *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 2017) 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)*

The following European Designated sites are within 10km of Clyst St Mary and Sowton:

- East Devon Pebblebed Heaths Special Area of Conservation (SAC)
- Exe Estuary Special Protection Area (SPA)

It is the view of East Devon District Council that:

“The [HRA] assessment demonstrates that there is potential for significant effects on two European sites, the Exe Estuary RAMSAR, SPA, SSSI and the Pebblebed Heaths SAC, SPA, SSSI through recreational pressure from residents. An Appropriate Assessment has been carried out and strategic mitigation is in place through Strategy 5 of the East Devon Local Plan, implemented through the South East Devon European Site Mitigation Strategy which is designed to accommodate the identified level of development envisaged in itself.

Figure 2 – Habitat Zone Buffer Areas and the Clyst St Mary and Sowton Neighbourhood Area



It is considered that the modest level of development proposed through the neighbourhood plan can be appropriately mitigated through the existing strategic mitigation that exists. As work progresses on the preparation of the new Local Plan for East Devon, and the updated Mitigation Strategy (commissioned). Whilst this will not be in place for some time, it will explicitly take account of any existing commitments and planned growth, including any allocations in the Clyst St Mary and Sowton Neighbourhood Plan.

8.3 It is therefore considered that, in combination with the Local Plan Policy, there will be no impact on the integrity of the European sites.”¹⁶

Natural England was consulted as part of the SEA screening process.

¹⁵ See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/9/enacted>

¹⁶ <https://bishopsclyst.org.uk/wp-content/uploads/2024/11/Clyst-St-Mary-and-Sowton-HRA-SEA-screening-V1.1-with-Consultee-Responses.pdf>

In parallel with the EDDC screening process the NP Review Group commissioned a HRA from environmental consultants (AECOM). The HRA considered whether the emerging Clyst St Mary and Sowton Neighbourhood Plan (CSNP) has the potential to result in 'likely significant effects' (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
- 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

AECOM made the following recommendations:

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 South-East Devon European Sites Mitigation Strategy (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.

Potential water quality impacts of the CSNP via the discharge of treated sewage effluent from water treatment works was also appraised. It was 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.

The Submission Version of the Clyst St Mary and Sowton Neighbourhood Plan was subjected to an HRA check.

Appendix 1.

Neighbourhood Area Application Oct 2013

The Neighbourhood Planning (General) Regulations 2012

Application for Designation of a Neighbourhood Area



This information is intended to assist the Local Planning Authority in making a decision but please note that further information may be required:

Which Town or Parish Council is applying to designate a neighbourhood area?

BISHOPS CLYST PARISH COUNCIL.

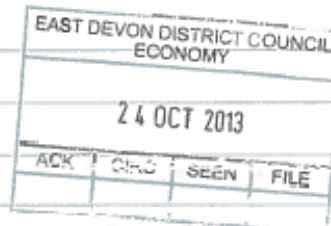
If more than one Town or Parish Council are working in partnership, please give details of all parties

contact details -

contact details -

contact details -

contact details -



Please confirm that all the parishes listed above agree to the application.

Please confirm that the organisation/s or bodies making the area application is a relevant body for the purposes of section 61G of the 1990 Act.

Please advise what, if any, discussion has taken place with neighbouring Parishes with a view to partnership working? Where applications include sites in adjoining Parishes their agreement should be sought.

NONE.

Please append a map identifying the area to which the area application relates. ATTACHED

Please explain why this area is considered appropriate to be designated as a neighbourhood area

Conforms with Bishop's Clyst Parish Council boundary.

Signed [Redacted]

Date 21.10.13.

Position CWELK - RFD

Organisation BISHOPS CLYST PC

The Neighbourhood Planning Regulations can be downloaded at:
<http://www.legislation.gov.uk/uksl/2012/637/made>

A summary of the next steps is provided below

Publicising an area application

Once we have received your neighbourhood area application we must, as local planning authority, publicise the following on our website and in any other manner that we consider is likely to bring the application to the attention of people who live, work or carry out business in the area to which it relates -

- (a) a copy of the area application;
- (b) details of how to make representations; and
- (c) the date by which those representations must be received, being not less than 6 weeks from the date on which the area application is first publicised.

To help us meet these requirements:

Are we able to publicise the application in any widely available local newsletters/magazines? If so, please give contact details and advise how often the newsletter/magazine is published.

Clypr valley News: Editor (clyprvalleynews@gmail.com)

Do you have Parish Noticeboards? If so, please give contact details of the person responsible for their content.

Julier White (clerk@bishopsclpr.eastdevon.gov.uk)

Are there any other means of communication which could be used to advertise the proposals eg local website, social media, local interest groups? Please provide contact details.

Bishops Clypr PC website (clerk@bishopsclpr.eastdevon.gov.uk)

Publicising designation of a neighbourhood area

As soon as possible after designating a neighbourhood area, we must publish the following on our website and in any other manner that we consider is likely to bring the application to the attention of people who live, work or carry out business in the area:

- (a) the name of the neighbourhood area;
- (b) a map which identifies the area; and
- (c) the name of the relevant body who applied for the designation.

If we refuse to designate a neighbourhood area, we must publish the following on our website and in any other manner that we consider is likely to bring the application to the attention of people who live, work or carry out business in the area

- (a) a document setting out the decision and a statement of our reasons for making that decision ("the decision document"); and
- (b) details of where and when the decision document may be inspected.

Further information is available from:

Planning Policy, Economy Directorate

East Devon District Council

Knowle, Station Road, Sidmouth, Devon, EX10 8HL

01395 571533

Appendix 2.

East Devon DC Committee Decision Mar 2014

*202 **Proposed designation of Broadhembury and Bishop's Clyst Neighbourhood Areas**

Members considered the report of the Senior Planning Officer in respect of proposals received to designate Broadhembury and Bishop's Clyst Parishes and Neighbourhood Areas. The application had been advertised for 6 weeks for consultation – no objections had been received.

- RESOLVED**
- (1) that Broadhembury Parish be designated a Neighbourhood Area;
 - (2) That Bishop's Clyst (Clyst St Mary and Sowton Parishes) be designated a Neighbourhood Area.

REASON

The District Council has a duty to support the production of Neighbourhood Plans – in the case of these proposed designations, there was no valid reason to object and there had been no submissions received during the public consultation period.

Appendix 3.

Environmental Impact Assessments 2023 / 2024

AECOM SEA on Pre-Submission Version of the Clyst St Mary and Sowton Neighbourhood Plan Sep 2023 (extract)

Summary and recommendations

5.43 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).

5.44 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.

5.45 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.

5.46 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 BisC13) 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 BisC09 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.

AECOM SEA Screening of Submission Version of the Clyst St Mary and Sowton Neighbourhood Plan Oct 2024 (extracts)

The SEA Regulations require the SEA process to identify, describe and evaluate the likely significant effects of the Clyst St Mary and Sowton Neighbourhood Plan and alternatives.

The updates to the Clyst St Mary and Sowton Neighbourhood Plan have been screened for likely significant effects. The purpose of this screening exercise is to establish whether the proposed updates

are likely to lead to significant effects in relation to the findings previously presented in the Regulation 14 version of the Environmental Report, which should then be appraised in more detail.

The screening of the updates has concluded that the submission version of the Clyst St Mary and Sowton Neighbourhood Plan would not have any additional significant effects to those presented in the SEA Environmental Report which accompanied the Regulation 14 consultation on the Neighbourhood Plan.

In light of the above, in association with the requirements of the SEA Regulations, further detailed assessment work is not required to explore the implications of the updates to the Clyst St Mary and Sowton Neighbourhood Plan.

AECOM Habitat Regulations Assessment May 2023 (extract)

Conclusions & Recommendations

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 appropriate assessment (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 SEDESMS 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.