



SUMMERFIELD PLANNING LIMITED

Clyst St Mary and Sowton (Bishops Clyst)

Neighbourhood Plan 2030 to 2040

Regulation 16 Consultation

Prepared on behalf of 3West Group

March 2025

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Appendix A – Figure 5-1 RAG rated map of site suitability

Appendix B – Table 6-1: Summary rating of the performance of each site against the local criteria.

1. Introduction

- 1.1 This representation is made on behalf of 3West Group (hereafter 3West) in response to East Devon District Council's (EDDC) Regulation 16 Consultation on the Clyst St Mary and Sowton (Bishops Clyst) Neighbourhood Plan (Modification Proposal) (hereafter Neighbourhood Plan).
- 1.2 The representation demonstrates 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.
- 1.3 National policy and guidance confirm that neighbourhood plans must be underpinned by evidence which supports and justifies its policies. The inclusion of site BisC12 in the Neighbourhood Plan without supporting evidence and/ or justification means that it has not been prepared in a manner that has had regard to national planning policy. The Basic Conditions have not therefore been met.
- 1.4 3West consider that this is a matter that needs to be assessed and scrutinised in detail by the Independent Examiner. It is also considered that the only reasonable course of action is to remove Policy BisC12 from the Neighbourhood Plan and replace this with a policy that allocates SEA Option 4. This is the only strategy that is supported by evidence and aligns with the emerging Local Plan's requirements for the provision of new housing at Clyst St Mary to meet identified needs.
- 1.5 It is appreciated that the vast majority of neighbourhood plans are examined by way of written representations. However, in view of the serious issues that have been raised, it is considered that a hearing session should be held as part of the Independent Examination process. This will provide an opportunity for all relevant matters to be explored thoroughly.

2. National Planning Policy Framework and National Planning Practice Guidance

National Planning Policy Framework

- 2.1 Paragraph 30 of the National Planning Policy Framework (NPPF) confirms that:

Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies.

- 2.2 Paragraph 31 of the NPPF confirms that:

Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

- 2.3 Neighbourhood plans are therefore powerful planning policy documents with significant importance to the local communities and wider district areas that they cover.

- 2.4 In light of this, it is not surprising that the Paragraph 32 of the NPPF also confirms that:

The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.

- 2.5 Paragraph 38 of the NPPF confirms that:

Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

- 2.6 Footnote 22 to Paragraph 38 confirms that these legal requirements are set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

National Planning Practice Guidance

2.7 The National Planning Practice Guidance (NPPG) (Paragraph: 065 Reference ID: 41-065-20140306) confirms that the Basic Conditions includes the following:

having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).

2.8 For the avoidance of doubt, the NPPF and NPPG are examples of a national policy and guidance issued by the Secretary of State which a neighbourhood plan should have regard to.

2.9 The NPPG (Paragraph: 040 Reference ID: 41-040-20160211) also confirms that:

While there are prescribed documents that must be submitted with a neighbourhood plan or Order there is no 'tick box' list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan or the proposals in an Order.

2.10 The NPPG (Paragraph: 041 Reference ID: 41-041-20140306 040) also confirms that:

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.

2.11 The above confirms the following:

- To meet the Basic Conditions a neighbourhood plan must have regard to the NPPF and NPPG; and
- The NPPF and NPPG confirm that neighbourhood plan policies must be under-pinned and justified by evidence.

2.12 The relevance of the above is discussed further in the remainder of the representation.

3. Role of Clyst St Mary in the Development Plan

East Devon Local Plan 2013-2031

- 3.1 Strategy 27 of the East Devon Local Plan confirms that Clyst St Mary is identified as one of 15 settlements that the Council consider to be appropriate locations for new development within their Built-Up-Area-Boundary.
- 3.2 The accompanying text to Strategy 27 (Paragraph 15.20) advises that:

Some settlements may wish to see development to help deliver facilities or provide housing to meet a specific need. This will be acceptable provided it is supported by evidence and a Neighbourhood Plan demonstrating that the local community is supportive.

Emerging East Devon Local Plan 2020-2042

- 3.3 The Regulation 19 version of the East Devon Local Plan 2020-2042 was published for consultation on 13 February 2025. The consultation will run until 31 March 2025.
- 3.4 The emerging Local Plan is relevant to the Neighbourhood Plan and the current consultation for two particular reasons:
- Firstly, the Neighbourhood Plan proposes a level of new development that is explicitly aligned with the strategic requirements of the new draft Local Plan; and
 - Secondly, the emerging Local Plan itself confirms that it is proposed that the identified development needs for Clyst St Mary are to be accommodated in allocations that are to be made through the Neighbourhood Plan.
- 3.5 It should be noted that for the reasons set out in this representation, 3West consider that this approach is flawed and that the emerging Local Plan should be considered unsound as a consequence. This matter will be the subject of separate representations to the emerging Local Plan Regulation 19 consultation.
- 3.6 The emerging Local Plan identifies Clyst St Mary as one of 23 'Service Villages'. These are locations that have some local facilities that serve some of the needs of resident populations. The villages are on locations that are in principle suitable for some development to accommodate local need.

- 3.7 Emerging Strategic Policy SD14 'Development (Neighbourhood Plan led) at Clyst St Mary' proposes that:

Development of at least 72 dwellings will be accommodated at Clyst St Mary through allocations to be made through the Neighbourhood Plan.

Development at the village will need to come forward on sites that meet broader local plan policy requirements and that are well related, physically close to or abutting, the built form of the village.

- 3.8 It is noted that Emerging Strategic Policy SD14 also proposes that:

Should development at Clyst St Mary have not started and progressed in a timely manner before 2030 there will be a review the need for allocations to be made in a future local plan (or similar plan document). After 2030, should housing development have not started, planning permission may be granted for windfall developments, outside of the settlement boundary for the village, to address part or all of the 72 dwelling shortfall where in compliance with wider local plan policies.

- 3.9 The above confirms that Clyst St Mary is a location that both the Local Plan and emerging Local Plan have identified as being suitable and sustainable locations for residential development.

4. Selection process for proposed allocation sites

4.1 As confirmed above Clyst St Mary is a sustainable settlement and an appropriate location for a proportionate amount of additional residential development. Accordingly, the emerging Local Plan proposes the allocation of at least 72 dwellings at the village.

4.2 The Neighbourhood Plan advises (Paragraphs 9.11 and 9.12) that an assessment was carried out of sites to determine their suitability for allocation for residential development. It is confirmed that:

Importantly the Review Group wanted to ensure that any land allocated for new housing is in the best location to ensure the resultant development would have a significantly positive impact on the future wellbeing and sustainability of the neighbourhood area and communities.

Site options assessment

4.3 A 'Site Options Assessment Bishops Clyst Parish Council' prepared by consultants AECOM and dated May 2022 has been published on the Parish Council's website here:

<https://www.bishopsclyst.org.uk/wp-content/uploads/2022/05/220510-Bishops-Clyst-Site-Options-and-Assessment-Final-Report.pdf>

4.4 The Assessment identifies 11 sites that were considered to be potentially suitable for residential development and allocation. A summary of the results based on a simple 'traffic light' system are provided on Page 43 of the report at the end of Section 5. This is provided in Appendix A to this representation for ease of reference.

4.5 Section 6 of the Assessment explains that the Parish Council created a set of their own 'local criteria' to help shortlist sites that are suitable for development as part of the site allocation selection process. Table 6-1 on Page 45 provides a summary rating of the performance of each site against the local criteria. This is also provided in Appendix B to this representation for ease of reference.

4.6 Whilst the Assessment does not grade the sites in order of preference, and it is clear that no weighting has been applied to the 'local criteria', a simple review of the conclusions confirms that the only sites without identified 'negative' impacts are as follows:

- NP2 (The Football Ground, Winslade Park Avenue);
- Sowt03 (Land north of Sidmouth Road);

- Sowt06 (Langdon’s Business Park and the occupied units); and
- Sowt09 (3.69 acres Bishops Court Lane).

4.7 It is noted that all of the sites assessed were considered to have a ‘negative’ or ‘minor negative’ impact on existing sewage capacity.

4.8 The Assessment does not go any further than identifying those sites that are considered to be potentially suitable for allocation, subject to the mitigation of various constraints and/or consultation with East Devon District Council.

Site residential selection process

4.9 In addition to the Assessment, a ‘Site Residential Selection Process Report June 2022’ has also been published on the Parish Council’s website here: <https://www.bishopsclyst.org.uk/wp-content/uploads/2022/06/Bishops-Clyst-Site-Residential-Selection-Process-Report-9Jun22.pdf>

4.10 The Report applies a scoring system to the 11 sites identified in the Assessment. The results of this are provided in Table A of the Report and are as follows:

Table A Site Assessment Results				
Ref:	Site Name	Area	Capacity	Score
NP2	The Football Ground, Winslade Park Avenue	1	18	2
Sowt01	Land at Bishops Court Lane	6	35	-5
Sowt02	Land south of Bishops Court Road	4	54	-4
Sowt03	Land north of Sidmouth Road	2	30	0
Sowt06	Langdon’s Business Park and the occupied units	1	18	-4
Sowt08	Site fronting the A3052 at The Cat and Fiddle	4	54	-8
Sowt09	Bishops Court Lane	2	40	1
Sowt11	Land at Bishops Court Lane	9	60	-4
Sowt12	Land to the south and east of Clyst St Mary and Clyst St George	7	48	-8
GHED53	Land between Cat and Fiddle and Devon County Showground	12	50	-8
GHED55	Cat Copse, Sidmouth Road	1	29	-9

4.11 The only sites that did not achieve a negative total score when assessed against all the local criteria are:

- NP2 The Football Ground, Winslade Park;
- Sowt09 Bishops Court Lane; and
- Sowt03 Land north of Sidmouth Road

4.12 It is noted that there is a significant gap between the scores attributed to the sites with a positive score and the remainder of the sites.

4.13 The Report then applied a further test of the robustness of the conclusion in Table A above and its ‘sensitivity’ to a change in the scoring system. The result of this test are provided in Table B of the Report and are as follows:

Ref:	Site Name	Area	Capacity	Score
NP2	The Football Ground, Winslade Park Avenue	1	18	2
Sowt01	Land at Bishops Court Lane	6	35	-8
Sowt02	Land south of Bishops Court Road	4	54	-7
Sowt03	Land north of Sidmouth Road	2	30	1
Sowt06	Langdon’s Business Park and the occupied units	1	18	-4
Sowt08	Site fronting the A3052 at The Cat and Fiddle	4	54	-9
Sowt09	Bishops Court Lane	2	40	2
Sowt11	Land at Bishops Court Lane	9	60	-6
Sowt12	Land to the south and east of Clyst St Mary and Clyst St George	7	48	-9
GHED53	Land between Cat and Fiddle and Devon County Showground	12	50	-9
GHED55	Cat Copse, Sidmouth Road	1	29	-10

4.14 Once again, the only sites that did not achieve a negative total score when assessed against all the local criteria are:

- NP2 The Football Ground, Winslade Park;
- Sowt09 Bishops Court Lane; and
- Sowt03 Land north of Sidmouth Road.

4.15 It is again noted that there is a significant gap between the scores attributed to the sites with a positive score and the remainder of the sites.

4.16 A further set of criteria were applied to the assessment and following this a ranking order of sites was produced. The result of this exercise are provided in Table D of the report which is reproduced below:

Ranking Order:		Earth	Rural	Health	Comm	Unw.
NP2	The Football Ground, Winslade Park Avenue	1	1	1=	1	1
Sowt01	Land at Bishops Court Lane			6		
Sowt02	Land south of Bishops Court Road			4=	4=	4=
Sowt03	Land north of Sidmouth Road	3	4	3	3	3
Sowt06	Langdon’s Business Park and the occupied units	4	3		4=	4=
Sowt09	Bishops Court Lane	2	2	1=	2	2
Sowt11	Land at Bishops Court Lane			4=	4=	4=

4.17 This exercise confirmed that the following three sites have the highest ranking:

- NP2 The Football Ground, Winslade Park;
- Sowt09 Bishops Court Lane; and
- Sowt03 Land north of Sidmouth Road.

4.18 It is noted that site NP2 is not proposed for allocation. This is discussed further at Page 4 of the report.

Site consultation report

4.19 Following the publication of the Assessment and Report a community consultation on potential residential development sites was carried out in September 2022. A 'Site Consultation Report September 2022' has been published on the Parish Council's website here:

<https://www.bishopsclyst.org.uk/wp-content/uploads/2022/10/CSMSNP-Site-Consultation-Report-September22.pdf>

4.20 The Report confirms that as part of the consultation a 'poll' was taken of attendees of a consultation event held on 24 September 2022 to establish their overall position on each site. The results of this 'site-by-site' poll are provided on Page 2 of the Report and were as follows:

Site Specific Votes:	yes	no	unsure
on site NP2	0	15	2
on sites Sowt01A & 1B	1	7	1
on site Sowt02	2	10	0
on site Sowt03	20	3	1
on site Sowt06	3	6	2
on site Sowt09	4	8	1
on sites Sowt11A & 11B	2	2	1

4.21 It is noted that the Report acknowledges at Page 4 that:

It seems there is not a great deal of enthusiasm within the community for further growth and development in or around Clyst St Mary, nor anywhere else in the Parish. It is a rural area and many feel that its rurality, which is so highly valued, is threatened by major residential development. Moreover there is much concern about the capacity of the existing, less than satisfactory, local infrastructure to accommodate the scale of growth expected by the local planning authority.

4.22 Following the consideration of a number of strategy options to deliver 'no more than 75' dwellings, the Report concluded at Page 5 as follows:

The next stage of consultation on the new Local Plan (hopefully commencing before the end of the year) is likely to indicate a preference by the local planning authority for a two-site strategy of Sowt03 and Sowt09, with a combined yield of 72 dwellings. An extract from the Local Plan draft consultation document can be found in Appendix J. It should be noted that only one person attending the Clyst St Mary Consultation Event proposed this combination of sites as a two-site strategy.

4.23 It was also concluded that:

Given the lack of clarity regarding the community's preference beyond Sowt03, it might be prudent to await the outcome of the up-coming Local Plan consultation before arriving at a final decision as to whether to allocate a site or sites in the Neighbourhood Plan and if so, which sites these should be. Following the next Local Plan consultation it would be prudent to discuss the community's response to both consultations with the local planning authority and seek to arrive at a jointly agreed position regarding the sites to be allocated, and in which development plan documents they should be allocated.

4.24 Following the publication of the Report above a meeting of the Steering Group was held on 12 October 2022. The minutes of that meeting record the following (Note that PW refers to the specialist consultant advising the Parish Council on the preparation of the Neighbourhood Plan):

A report prepared by PW summarising the results of the public consultation and providing conclusions was discussed. It was agreed that the final report should not contain the list of attendees. Transcripts of comments submitted by individuals not on the proforma returns would not be included, but rather a general comment should be included in the report that "other comments received have been taken into account in the analysis and conclusions". This and all other information gathered at the exhibition will be retained and will be available for inspection on request. PW will finalise the report for circulation to full council and publication on the website.

It was noted that the most favoured site was Sowt03 and Sowt09 was far less favoured. Most other sites were not favoured for development, particularly those using Frog Lane for access. Cllr Howe drew attention to presentations by agents acting for owners which indicated that there was an agreement between Site Sowt03 and Sowt11A which would allow access to the A3052, rather than using Bishops Court Lane, which would remove some of the objections to

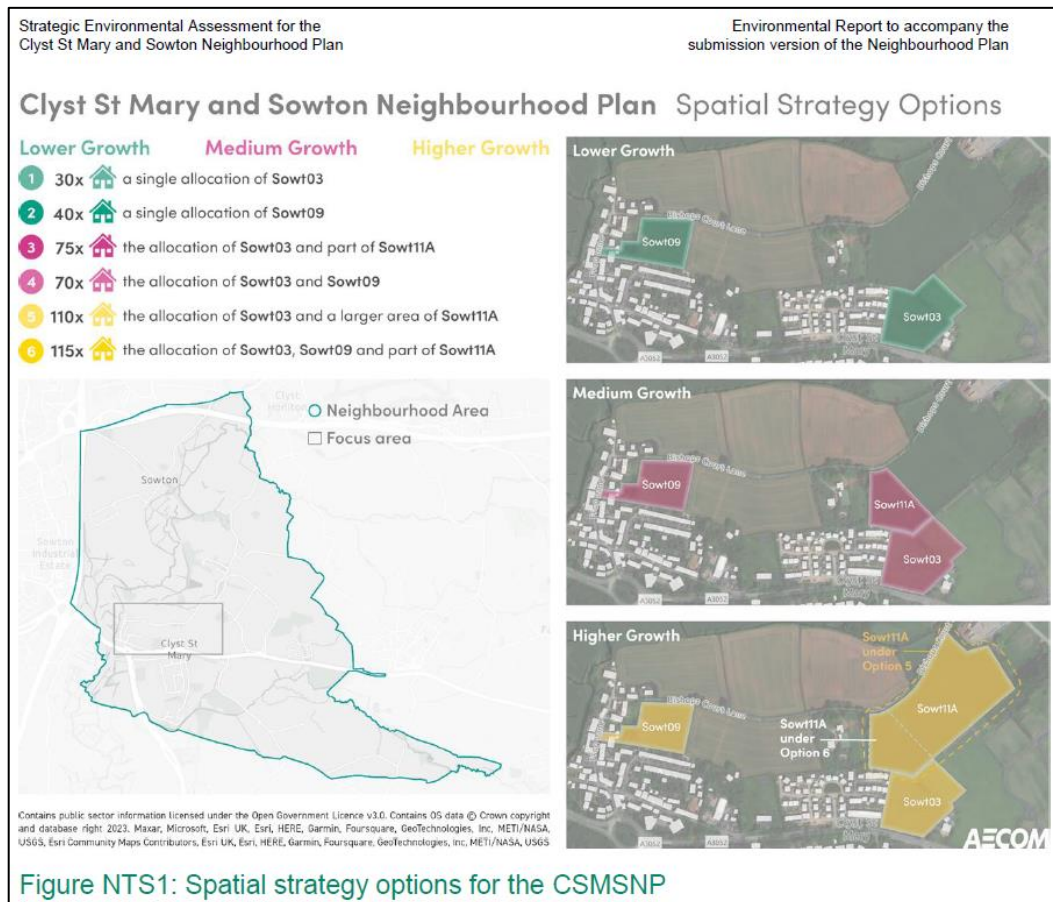
development of Sowt11A. Although this site is larger than needed to fulfil likely housing numbers, the owner has indicated that he is prepared to develop only part of the site. It was agreed that a combination of Sowt03 and part of Sowt11A represents the best solution to achieve the strategic target and meet the comments of the consultees. It was agreed that these sites will be recommended to the Parish Council for allocation in the revised Neighbourhood Plan. PW will modify the Built-Up Area Boundary to reflect this choice. Cllr Hatton will advise EDDC NP Officer of our conclusions.

- 4.25 There is no indication in the minutes of what if any consideration was given to any other information contained in either the AECOM Assessment or Parish Council Reports when reaching this conclusion.
- 4.26 The sole explanation for ignoring the evidence, which as confirmed by the summary above very clearly demonstrates through the consideration of a range of potential sites and their assessment and scoring against a wide range of criteria, including local criteria provided by the Parish Council, which are the most appropriate sites for development.
- 4.27 The decision expressly ignores the assessment of Parish Council's own consultant (provided in Appendix B to this representation) that site Sowt11 recorded a total of 7 'negative' and 'minor negative' in the assessment 19 criteria.
- 4.28 Furthermore, the decision also ignores the assessment of Parish Council's own consultant which concluded that site Sowt11 achieved a negative score in all of the assessments against which a value and/ or weighting was applied and that that the site was ranked equal 4th (and equal last) when a ranking order of the sites was produced.

Strategic Environmental Assessment

- 4.29 A 'Strategic Environmental Assessment for the Clyst St Mary and Sowton Neighbourhood Plan' (SEA) prepared by consultants AECOM and dated November 2024 has been published on the Parish Council's website here: https://bishopsclyst.org.uk/wp-content/uploads/2024/11/241113-Clyst-St-Mary-and-Sowton-NP_SEA-Environmental-Report_v3.0.pdf

4.30 The SEA assesses a number of ‘Spatial Strategy Options’. A summary of these is provided on Page 9 of the SEA and is also below for ease of reference:



4.31 It is noted that Option 3 (comprising site Sowt03 and part of site Sowt11a) and Option 4 (comprising site Sowt03 and Sowt09) are the two spatial strategy options that are most closely aligned with the requirement for Clyst St Mary identified in the emerging Local Plan.

4.32 The SEA confirms 3 recommended options for options for growth at Clyst st Mary and all of these recommend Sowt09 as a site allocation.

4.33 The SEA advises in a ‘Summary of Preferred Approach’ at Page 6 that:

The preferred approach for the Neighbourhood Plan has been informed by the various surveys and evidence base documents prepared to support the Neighbourhood Plan (to date), responses from community consultation events and Regulation 14 consultation, and the SEA findings.

Specifically, housing growth within the neighbourhood area is to be met through the combination of two sites: Site Sowt03 ‘Land East of Greenspire’; and Site Sowt11A ‘Land South

of Bishop’s Court Lane’. The Parish Council and Neighbourhood Plan Review Group consider the allocation as a single area of land which is allocated for housing development, with the submission version of the Neighbourhood Plan referring to the site as ‘Land East of Clyst St Mary’ (see Policy Bisc12).

4.34 However, no explanation is provided in the report for why or how this conclusion has been reached.

4.35 Furthermore, when the chosen strategy of Option 3 is compared to the only other strategy that would deliver a level of housing that is aligned with the emerging Local Plan requirements (Option 4), the SEA confirms that Option 4 is ranked high than Option 3 in 5 of the 8 criteria assessed.

4.36 Table NTS1 provide a summary of rankings by SEA theme and is provided below for ease of reference:

Table NTS1: Summary of rankings by SEA theme						
SEA theme	Option 1	Option 2	Option 3	Option 4	Option 5	Option 6
Air quality	1	2	4	3	5	6
Biodiversity and geodiversity	1	2	4	3	5	6
Climate change and flood risk	1	3	2	4	5	6
Community wellbeing	6	5	1	4	2	3
Historic environment	1	4	5	2	3	6
Land, soil, and water resources	1	2	4	3	5	6
Landscape	2	1	4	3	5	6
Transportation	1	4	2	5	3	6

4.37 The SEA confirms that Option 4 is therefore preferable to Option 3 across the following themes:

- Air quality;
- Biodiversity and geodiversity;

- Historic environment;
- Land, soil and water resources; and
- Landscape.

4.38 Whilst in simple terms the SEA concludes that Option 4 is preferable to Option 3 in 5 of the 8 themes, it is also worth scrutinising further the themes for which the Option 3 is considered by the Assessment to be the more preferable site. A summary of 3West’s position in respect of each of these is provided in the table below:

Theme	Response
Climate change and flood risk	<p>It is acknowledged that there is a small area of Flood Zone 3 to the western boundary of site Sowt09. However, this is very limited in size and as has been demonstrated with the current planning application for the site (Application Reference 23/1948/FUL) the residential development would be away from the area of flood risk itself.</p> <p>Whilst it is agreed that there are other options which are not subject to such flood risk and that, where applicable these should be ranked higher than Option 4, in this instance it should be recognised that flood risk itself does not represent a technical impediment to the development of the site.</p> <p>It is noted that EDDC’s assessment of the site Sowt09 at part of the Housing and Economic Land Availability Assessment (HELAA) process recognised that 0.02 hectares was undevelopable due to this being an area of Flood Zone 3. However, the HELAA did not conclude that this rendered the site undevelopable and the assessment concludes that the site had potential for development. That assessment can be viewed here: https://eastdevon.gov.uk/media/3724893/appendix-f-ii-2021plus2017-nonstrategic-sites-lympstone-to-stockland-corrected.pdf</p>

	<p>Furthermore, the Regulation 18 version of the emerging Local Plan included site Sowt09 as a preferred option and proposed development site.</p>
Community Well-being	<p>The SEA suggests that Option 4 would result in the delivery of 70 homes. This conclusion is incorrect.</p> <p>It ignores evidence in the form of A) the Council’s own assessment of Site Sowt03 which concludes that the site can deliver 37 new homes and B) current planning application for Site Sowt09 (Application Reference 23/1948/FUL) which confirms that it will provide a net gain of 36 new homes.</p> <p>This demonstrates that Option 4 can deliver 73 new homes against requirements in the emerging Local Plan for Clyst St Mary of at least 72 dwellings. The difference between Option 3 and Option 4 in terms of anticipated housing in the SEA of 2 homes is very clearly negligible. Furthermore, it is noted that the Neighbourhood Plan proposes the allocation of 72 dwellings in any event.</p> <p>Given this and the fact that both options would deliver a level of development that meets the emerging Local Plan requirement, they should have been attributed an equal ranking.</p>
Transport	<p>The SEA conclusion that Site Sowt09 “raises particular issues in terms of vehicular access as it would rely on the narrow Frog Lane” is not supported by any evidence.</p> <p>Furthermore, the SEA ignores the response of the Local Highway Authority (LHA) Devon County Council to the current planning application for Site Sowt09 (Application Reference 23/1948/FUL).</p> <p>This response from the LHA’s specialist professional highway officers confirms that there is there no objection to the development of the site on either highway safety or highway capacity grounds.</p>

	<p>It should be noted that this response was dated 28 November 2023 and would have been in the public domain at the time that the SEA was finalised. It is unclear why this was not taken into account in the SEA.</p> <p>A conclusion in terms of the ranking of Option 4 as the 5th most preferable site in terms of transport considerations based on the assertion above is therefore completely without merit and plainly flawed. In fact, Sowt09 is the only site that is proven to be acceptable and deliverable to the LHA and on this basis if assessed at this time, should arguably be ranked 1st.</p> <p>Furthermore, it is noted that the SEA concludes that “The reason for allocating Sowt03 and part of Sowt11A is to develop it as one site to facilitate to achieve a co-ordinated and harmonised development which can adequately address infrastructure needs and include the construction of a road link from Bishops Court Lane to the A3052”. As discussed in Section 5 of the representation, the LHA do not support such a link road for the following reason:</p> <p><i>Do not support clause b), relating to the provision of a link road between the A3052 and Bishops Court Lane, on the basis that this is likely to create an attractive vehicular through route between the A3052 and A30.</i></p> <p>This should be taken into account in any assessment and ranking of sites and option. Any assessment that concludes that the link road should be weighed positively in favour of a development option should be revised accordingly.</p>
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4.39 If the above is all taken into account, it is reasonable to conclude that Option 4 would perform even more favourably than it already does in relation to Option 3.

4.40 In an effort to explain this clear diversion from the evidence the 'Summary of Preferred Approach' at Page 6 of SEA advises as follows:

The Neighbourhood Plan Review Group state the following:

"The reason for allocating Sowt03 and part of Sowt11A is to develop it as one site to facilitate to achieve a co-ordinated and harmonised development which can adequately address infrastructure needs and include the construction of a road link from Bishops Court Lane to the A3052.

By doing this, we anticipate that we will meet our housing requirements and solve a major issue we have with traffic in the village. This will therefore achieve significant improvements to the local infrastructure as part of the development. "Development of other sites in isolation will not achieve this and, indeed, development of Sowt09 will likely make the situation worse."

4.41 As confirmed above there is no credible evidence provided in the SEA, or indeed in any other report reviewed in the preparation of this representation, to justify reaching a conclusion that site Sowt09 will have an unacceptable and negative impact in traffic either within the village or on the wider highway network.

4.42 It is a matter of fact and public record that the LHA have confirmed in their response to current planning application for site Sowt09 (Application Reference 23/1948/FUL) that there are no grounds for an objection to the development of the site on either highway safety or highway capacity grounds.

4.43 Furthermore, as will also be discussed further in Section 5 neither the LHA or LPA have confirmed their support for the construction of a road link from Bishops Court Lane to the A3052. The stated rationale for the allocation of SEA Option 3 therefore no longer exists.

4.44 In light of the above, it must be concluded that the SEA is not fit for purpose and that it should be corrected to take account of these findings.

4.45 For the reasons outlined above it is clear that the available evidence does not support the proposed allocation of site under Policy BisC12. The Neighbourhood Plan therefore fails to take account of both the NPPF and NPPG, both of which confirm that robust evidence must be provided to support and justify the choices made and policies proposed in a neighbourhood plan.

5. East Devon District Council and Devon County Council position on the proposed allocations

East Devon District Council

Officer comments at meetings with the Parish Council

- 5.1 The minutes of meetings related to the preparation of the Neighbourhood Plan that took place between 13 September 2021 and 07 November 2024 are available on the Parish Council's website here: <https://bishopsclyst.org.uk/neighbourhood-plan-review/>
- 5.2 These includes minutes of meetings held on 10 March 2023 and 26 April 2024 with East Devon District Council Officers. Whilst the minutes can be viewed in full via the link above, the following extracts are considered to be particularly noteworthy.

10 March 2023

- 5.3 The following is recorded in the minutes of the meeting held on 10 March 2023 (note that AK refers to the EDDC officer present at the meeting):

The meeting made it clear to AK the reasons for its opposition to Sow 09 which is shown as supported in the LP. The only access to the site is via Frog Lane and Bishops Court Lane both of which are very narrow and single track in parts and could not accommodate additional traffic.

- 5.4 In response to the above, as confirmed in Section 4 above, the LHA in the assessment of the current planning application for Site Sowt09 (Application Reference 23/1948/FUL) have confirmed that there are no grounds for an objection to the development of that site on either highway safety or highway capacity grounds.

07 November 2024

- 5.5 The meeting on 07 November 2024 was attended by Ed Freeman (EF), EDDC's Assistant Director Planning Strategy and Development Management. The following is recorded in the minutes of the meeting:

Regarding SOWT09 (subject of a current planning application):

EF said there was an 'urban extension' feel about the development of SOWT11A, which the local planning authority (LPA) was uneasy about.

RSK emphasised that the Village (and the Parish Council) was demonstrably opposed to the development of SOWT09.

EF confirmed that there was still considerable work to be done in assessing the developability of SOWT09; sewage capacity, traffic impact etc were still being assessed.

KL expressed the opinion that SOWT09 felt part of the Village.

PC reminded him that SOWT09 is part of the 'green wedge'.

EF said the 'green wedge' is not a moratorium on development. The LPA, however, would need to test the impact of development at SOWT09 on the integrity and purpose of the 'green wedge'.

RH described how the design and layout for SOW09 and SOWT11A had taken landscape impact into account and there would be relevant conditions on any policy in the Neighbourhood Plan.

EF questioned whether SOWT11A was developable, because of the high costs involved.

MH said the developer expected and understood the costs involved.

Regarding Site allocation at Clyst St Mary

MH said that EDDC is presented with a dilemma because 98% of the community is against a site that is seemingly favoured by EDDC's planners.

MH questioned whether it might be acceptable and preferable to remove Clyst St Mary from the LP's site allocations and leave the task to the new Neighbourhood Plan.

EF agreed that it might be easier (in providing the necessary level of evidence and justification) for the Neighbourhood Plan to allocate SOWT03/SOWT11A, rather than the Local Plan.

EF was however concerned about this being an uncomfortable precedent for the LPA.

AK said there are few neighbourhood plans in preparation in East Devon that were currently allocating sites, but some town and parish councils may be interested in doing so, when reviewing their current plan, if this approach is adopted for Clyst St Mary.

EF confirmed that the LPA would need to decide on the site allocation strategy for the new East Devon Local Plan by the Summer of 2024. The timetable for the Local Plan required it to be submitted for examination by June 2025 and adopted by the end of 2026.

- 5.6 In response to the above, it should be noted that we have been unable to find any evidence to support the claim that 98% of the community is against a site that was (at the time) favoured by EDDC's planners, namely Sowt09.
- 5.7 The Parish Council's own Site Consultation Report (September 2022) confirmed that a total of 11 comments on site Sowt09 were made at the consultation event held in September 2022. Of these 4 were in favour of the site and 8 were against it, with 1 person being unsure. This does not amount to 98% of the community being against the site and it is noted that more people were in favour of it than were in favour of site Sowt11.
- 5.8 The 2021 census recorded that Clyst St Mary had a population of 1,193. No information has been found that indicates that 98% of that population (which would amount to 1,169 people) are against the development of site Sowt09.
- 5.9 Furthermore, it is noted that it is a matter of public record (and something that the Parish Council were fully aware of) that senior EDDC officers have significant reservations about the suitability of SOWT11A for allocation.
- 5.10 It should also be noted that the ongoing process of the determination of the current full planning application for the site (Application Reference: 23/1948/FUL) has confirmed that Sowt09 is deliverable and that there are no technical reasons why the site could not be developed. This includes confirmation from the Lead Local Flood Authority that the principles of the drainage strategy for the site are acceptable (with the inclusion of an appropriately worded condition) and from the LHA that they have no objections

EDDC response to Regulation 14 Consultation

- 5.11 A Regulation 14 (pre-submission) consultation was held between 01 July 2024 and 26 August 2024. This was a consultation on the final draft Neighbourhood Plan before its submission. A summary of EDDC's response to the Regulation 14 consultation (along with the Parish Council's response) can be viewed in the Neighbourhood Plan Consultation Statement here:
<https://bishopsclyst.org.uk/wp-content/uploads/2025/01/CSMSNP-Submission-Vers.3.5-Consultation-Statement-Dec24.pdf>

5.12 It is noted that EDDC advised in response to the proposed allocation of Sowt03 and Sowt11 as follows:

Reference P12/1

We remain very concerned about this allocation and its impact on the rural character of Bishops Court Lane and the wider landscape. While we understand the community desire for a link road, we are nervous about how this can be achieved and whether this is viable and deliverable.

Reference P12/7

We would query if it is realistic/achievable to 'effect a gradual transition' to countryside when it's such a prominent site, with currently very limited views of existing built development, but certainly landscape screen is key.

Devon County Council

5.13 A summary of DCC's response to the Regulation 14 consultation (along with the Parish Council's response) can also be viewed in the Neighbourhood Plan Consultation Statement.

5.14 It is noted that DCC stated the following in response to proposed allocation Policy BisC12:

Reference P12/16

Do not support clause b), relating to the provision of a link road between the A3052 and Bishops Court Lane, on the basis that this is likely to create an attractive vehicular through route between the A3052 and A30.

5.15 It is clear from the above that both EDDC and DCC have had and continue to have significant and well-founded reservations and concerns about the proposed allocation site at Clyst St Mary.

5.16 This is on the grounds of both the site's landscape impacts and its deliverability. There is also no support from DCC for the provision of a link road between the A3053 and Bishops Court Lane. In the absence of such support, it must be considered extremely unlikely that the proposed road will be delivered and that this element of the justification for the allocation of site BisC12 no longer exists.

6. Conclusion

- 6.1 This representation demonstrates that the proposed allocation of SEA Option 3 (sites Sowt03 and Sowt11) under proposed Policy BisC12 'Land East of Clyst St Mary' is fundamentally flawed.
- 6.2 The selected allocation is not supported by evidence prepared by the Parish Council's own specialist consultant or by appointed consultants AECOM.
- 6.3 That evidence demonstrates that SEA Option 4 (sites Sowt03 and Sowt09) is the appropriate strategy for the development at Clyst St Mary. Any other conclusion ignores the available evidence. No credible or reasonable explanation or justification has been provided to support an alternative strategy.
- 6.4 As confirmed above, the rationale for the allocation of sites Sowt03 and Sowt11 was predicated on a misplaced belief that suitable access cannot be provided to site Sowt09 and the delivery of a proposed delivery of a link road between the A3052 and Bishops Court Lane at part of proposed allocation site BisC12.
- 6.5 The consideration of the current planning application for site Sowt09 has confirmed that the LHA do not agree with the Parish Council's conclusion and that there is in fact no reason to object to the development of the site on highway grounds. We are not aware of any technical evidence that supports the Parish Council's position.
- 6.6 It has also been confirmed through the process of preparing the Neighbourhood Plan that the LHA do not support the proposed link road and that the LPA also have significant concerns over the proposed allocation site, including in respect of its deliverability.
- 6.7 The published documents confirm that a highly flawed rationale has very clearly been used to depart from the conclusion of professionally prepared technical evidence.
- 6.8 Whilst to allocate proposed site BisC12 would have been questionable if such a rationale could stand up to scrutiny, without that rationale, there is certainly no justifiable basis to ignore what the evidence concludes in respect of which sites are the most appropriate to allocate. To ignore the evidence would be an example of poor planning.
- 6.9 In addition to the fact that the proposed approach to the allocation of sites for new residential development is completely unsupported by evidence, both EDDC and DCC have raised serious

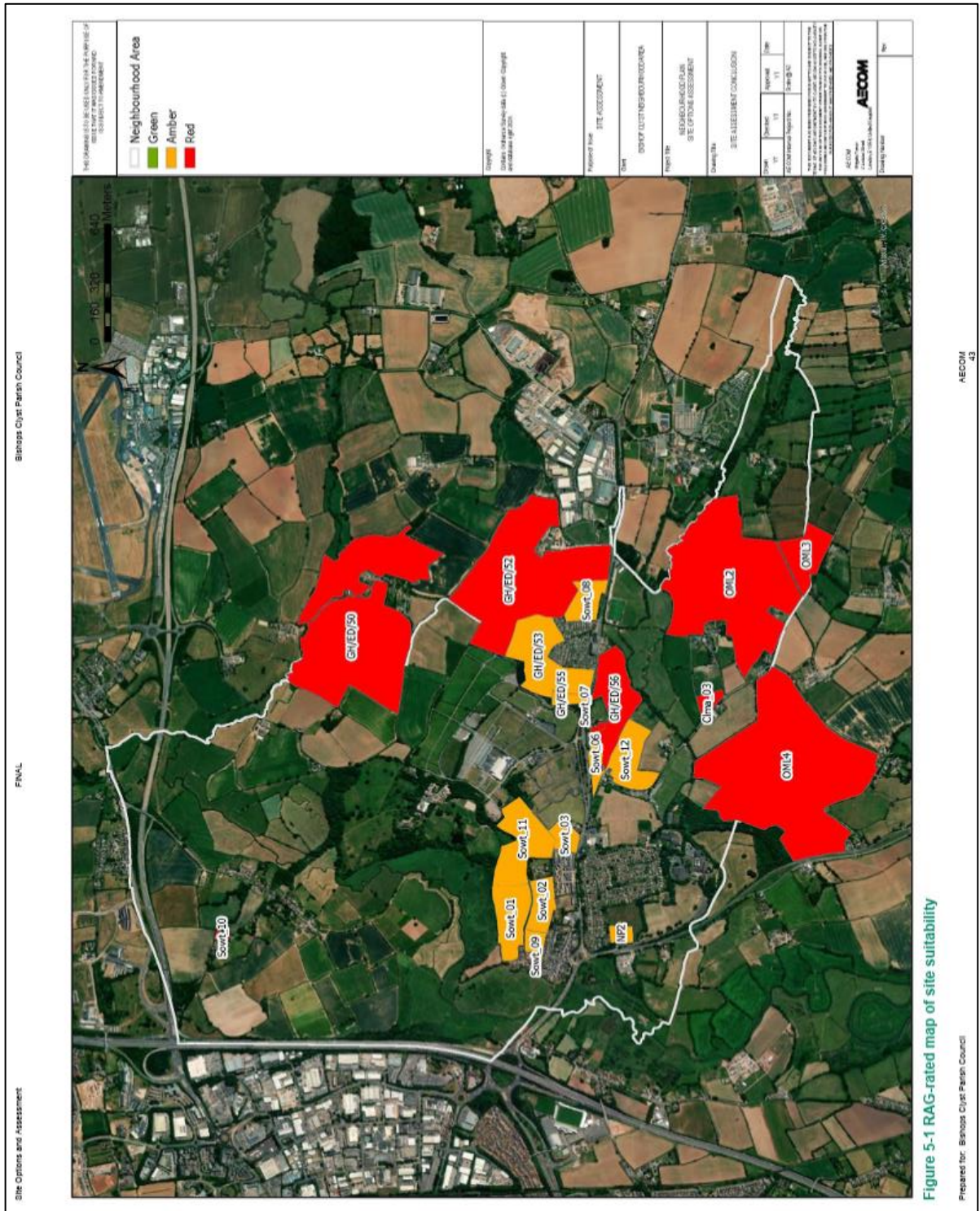
concerns about the proposed allocation. This was in both meetings with the Parish Council and in formal consultation responses. This includes questioning whether the site is deliverable and confirmation that the proposed highway infrastructure will not be supported by the LHA.

- 6.10 The NPPF and NPPG are both very clear that neighbourhood plans and the policies contained within them must be underpinned by evidence which supports and justifies those policies.
- 6.11 It has been demonstrated that the selection of proposed allocation site BisC12 is not underpinned by evidence and that is not justified.
- 6.12 Whilst a qualifying body has the power to prepare a statutory local level element of the development plan, it is not appropriate or in accordance with national planning policy or national guidance, for the Parish Council to render all of the site assessment work pointless by simply ignoring it.
- 6.13 Whilst (for to date unexplained and unevidenced reasons) the Parish Council do not favour the development of site Sowt09, the fact that both the current planning application and the assessment of potential development sites at Clyst St Mary have demonstrated that the site is deliverable and one of the two most appropriate locations for new development in the village cannot just be ignored and brushed over.
- 6.14 The inclusion of site BisC12 in the Neighbourhood Plan without supporting evidence and/ or justification means that it has not been prepared in a manner that has had regard to national planning policy and guidance. Accordingly, the Basic Conditions have not been met.
- 6.15 Given the fundamental nature of the allocations proposed by the Neighbourhood Plan, including for example their role in the delivery of affordable homes, and the clearly flawed process by which these have been selected in this instance, 3West consider that this is a matter that needs to be assessed and scrutinised in detail by the Independent Examiner.
- 6.16 3West's position is that the only reasonable course of action is to remove Policy BisC12 and to replace it with a policy that allocates sites Sowt03 and Sowt09 (SEA Option 4). This is the only option that is supported by evidence and aligns with the emerging Local Plan's requirements for the provision of housing at Clyst St Mary to meet identified needs.
- 6.17 Whilst it is fully appreciated that the vast majority of neighbourhood plans are examined by way of written representations, 3West consider that the seriousness of the issues raised above

warrants their thorough examination through a hearing. This will provide an opportunity for all relevant matters can be explored and discussed in a public forum with the Independent Examiner and other interested parties.

6.18 As already noted, 3West will be making separate representations to the emerging Local Plan Regulation 19 Consultation. On the basis of the above findings, these representations will be seeking an amendment to the emerging Local Plan on the basis that it would be unsound if it were to contain Strategic Policy SD14 in its current form, on the grounds that it would not be justified, effective or consistent with national policy.

Appendix A
Figure 5-1 RAG rated map of site suitability



Appendix B

Table 6-1: Summary rating of the performance of each site against the local criteria.



Table 6-1 Local Criteria Assessment

Objective	Criteria	NP2	Sowt_01	Sowt_02	Sowt_03	Sowt_06	Sowt_08	Sowt_09	Sowt_11	Sowt_12	GH/ED/53	GH/ED/55
How would development of the site... impact the objective to promote the conservation and wise use of land? impact the objective to maintain and enhance landscape character, local amenity and the quality and character of the local environment? impact the objective to conserve and enhance local biodiversity and protect geodiversity? impact the objective to increase responsible public access to the countryside? impact the objective to maintain and enhance built and historic assets? impact the objective to preserve the setting of the existing historic settlements?	Minor negative	Minor negative	Minor negative	Minor negative	Minor negative	Neutral	Minor negative	Minor negative	Minor negative	Minor negative	Minor negative	Minor negative
	Neutral	Negative	Negative	Minor Negative	Neutral	Neutral	Minor Negative	Minor Negative	Minor Negative	Minor Negative	Minor Negative	Negative
	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Positive	Minor positive
To conserve and enhance the historic environment and cultural heritage To protect the quality and character of the built environment and settlements and material assets To mitigate and adapt to climate change, including flood risk To sustain vibrant communities and safeguard human health and wellbeing To reduce traffic congestion and noise, and improve safety, health, and air quality by reducing the need to travel, especially by car	Neutral	Minor positive	Positive	Positive	Neutral	Neutral	Minor positive	Minor positive	Neutral	Neutral	Neutral	Neutral
	Neutral	Negative	Negative	Minor negative	Neutral	Neutral	Minor negative	Minor negative	Negative	Minor negative	Neutral	Neutral
	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor negative	Minor negative
Impact the objective to ensure that local communities are not subjected to increased risk of flooding? Impact the objective to ensure all groups of the population have access to community services? Impact the objective to maintain and improve cultural, social and leisure provision, including recreation and amenity spaces close to homes? Impact the objective to reduce parking pressure, traffic volumes and congestion in Cleeve St Mary (including the A3052)? Impact the objective to extend the pedestrian network? Impact the existing sewage capacity? Impact the objective to ensure local communities have access to a first-class electronic communications network? Impact the objective to ensure local communities have access to local healthcare services? Impact the objective to ensure local communities have access to primary school and nursery places?	Minor positive	Minor positive	Positive	Positive	Positive	Minor negative	Minor negative	Positive	Positive	Positive	Minor negative	Minor negative
	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive
	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive
Impact the objective to ensure local communities have access to local healthcare services? Impact the objective to ensure local communities have access to primary school and nursery places?	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive
	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive
	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive	Minor positive