

Clyst St Mary and Sowton (Bishops Clyst) Neighbourhood Plan

Examiners' Clarification Questions supplied 8th April 2025

NP Policy	Examiner's Question	Devon County Council (Local Highways Authority) Response
BisC11	What is the methodology used by the NPG to establish the settlement boundary in Policy BisC11?	No comment
BisC11	Why have EDDC used a different methodology to establish the settlement boundary in the emerging local plan?	No comment
BisC12	Why the Land to the East of Clyst St Mary was selected as the preferred site allocation despite not achieving the highest score in the site selection process?	No comment
BisC12	Is the allocation of Land to the East of Clyst St Mary consistent with the findings of the SEA?	No comment
BisC12	As a result of the Highway Authority's objection, can the proposed site allocation still be considered achievable? (A site is considered achievable for development where there is a reasonable prospect that the particular type of development will be developed on the site at a particular point in time. This is essentially a judgement about the economic viability of a	As noted in the response to the Regulation 16 Neighbourhood Plan consultation, the Highway Authority is currently unable to support the proposed provision of an estate road between the A3052 and Bishops Court Lane, due to road safety concerns associated with the potential for through traffic to use the road and access off the A3052. Instead, its preference would be for an estate road to be provided with access from the A3052, with a pedestrian/cycle link to Bishops Court Lane provided and with land safeguarded for a potential future vehicular link to Bishops Court Lane, but with the construction of the vehicular link deferred until

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	<p>site, and the capacity of the developer to complete and let or sell the development over a certain period.)</p>	<p>potential changes associated with the New Community proposed in the draft East Devon Local Plan are better understood. However, the Highway Authority would be unlikely to recommend refusal of a planning application solely on the basis of this concern.</p> <p>In any case, provision of the vehicular link to Bishops Court Lane is not considered to be necessary for the delivery of the housing proposed within the allocation. Regardless of whether the vehicular link to Bishops Court Lane is constructed, provided that a safe access is provided onto the A3052, the development would still be accessible by car, by cycle and on foot, and so it is considered plausible that members of the public would consider purchasing housing at this location. Furthermore, deferring the provision of the vehicular link could reduce the costs to the developer of delivering development at this location, which may improve the viability of the site.</p> <p>To help enable adoption of the Neighbourhood Plan to progress in advance of adoption of the East Devon Local Plan (i.e. in advance of confirmation of the infrastructure likely to be provided in conjunction with the proposed New Community), alternative wording for policy BisC12 and the associated explanatory text is included below. This would enable the requirement for a vehicular link between the development and Bishops Court Lane to be confirmed once other likely changes to the local road network are better understood, helping ensure the network as a whole operates as efficiently and safely as practicable. For consistency, the alternative wording also reflects minor changes to the policy suggested in DCC's response to the Regulation 16 Neighbourhood Plan consultation, and replaces 'DCC' and 'Devon County Council' with 'the Local Highway Authority', to future-proof the wording against potential local government reorganisation.</p>

Proposed revised wording for policy BisC12 and associated explanatory text

Policy BisC12 Land East of Clyst St Mary

Land to the east of Clyst St Mary as shown on Map 9 is allocated for residential development to provide at least 72 dwellings, which cater for local needs and demands.

Development should be in accordance with an agreed Concept Plan, which demonstrates a fully integrated and co-ordinated housing scheme that complies with the requirements of this policy.

Development proposals for the land shown on Map 9 will be supported, subject to the provision of:

a) a satisfactory vehicular access from the A3052, which includes a signal-controlled crossing to the A3052 to provide a pedestrian and cycle connection to Church Lane;

~~b) an estate road linking the development to the A3052 junction, constructed to an adoptable standard and a specification to be agreed with the Local Highway Authority;~~

~~b) an estate road between the A3052 and Bishops Court Lane, constructed to an adoptable standard and a specification to be agreed with DCC Highways, and open to the public before occupation exceeds 80% of the total houses on the site;~~

~~c) traffic management measures implemented to Bishops Court Lane and Frog Lane to minimise their appeal to and use by through traffic;~~

~~db) an estate road between the A3052 and Bishops Court Lane, constructed to an adoptable standard and a specification to be agreed with DCC Highways, and open to the public before occupation exceeds 80% of the total houses on the site;~~

~~c) traffic management measures implemented to Bishops Court Lane and Frog Lane to minimise their appeal to and use by through traffic;~~

c) the Clyst Valley Trail cycle route being incorporated through the development to connect with Bishops Court Lane along with other relevant cycle and vital pedestrian links;

ed) the provision of safe pedestrian routes through the development which can allow connection to existing or proposed footpaths, to enable residents to walk safely to bus stops, school and village services, and other local facilities and locations, with best endeavours to connect to adjacent development, e.g. Tillage Way, and subsequently to the Village Hall;

fe) adequate play and amenity space with satisfactory arrangements to cover its future maintenance;

gf) an overall housing density, design and layout in accordance with the Bishops Clyst Design Codes and Guidance;

hg) a mix of housing sizes, types and tenures that satisfy identified local needs and meet local demand, based on up-to-date local housing needs information;

ih) affordable housing provision, which satisfies the requirements of the LPA;

ji) a layout incorporating tree planting and landscape elements which both protects the residential amenity of Greenspire and effects a gradual transition from built area to countryside to reduce landscape and visual impacts on the Clyst Valley;

kj) landscaping and peripheral boundary treatment, which retains existing trees and hedgerows, providing a minimum 10m wide woodland buffer strip to the boundary with Bishop's Court Lane to give satisfactory screening of the development in views from the Clyst Valley Regional Park, and adequately protects priority habitats in the vicinity of the site;

kl) a heritage assessment, where relevant, to demonstrate that the significance of any nearby designated or non-designated heritage asset will be satisfactorily conserved or enhanced;

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

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

Subject to confirmation following adoption of the East Devon Local Plan 2020 - 2042, support for development proposals for the land shown on Map 9 may also be subject to the provision of:

kn) an estate road between the A3052 and Bishops Court Lane, constructed to an adoptable standard and a specification to be agreed with DCC Highways, a vehicular link between the development and Bishops Court Lane and, open to the public before occupation exceeds 80% of the total houses on the site; and

eo) traffic management mitigation measures implemented on Bishops Court Lane and Frog Lane to minimise deter their appeal to and use by through- vehicular traffic;

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.

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

9.17 The development should deliver, as a minimum, the net strategic housing requirement for Clyst St Mary as indicated by the LPA is necessary to comply with the requirements of the new Local Plan. The maximum number of dwellings on the site should be constrained

by design considerations. The overall development should respect its setting in terms of scale, height and massing and acknowledge the rurality of the location. The development should be complementary in character to that of Greenspire and in accordance with the Bishop Clyst Design Code and Guidance.

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

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

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

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

9.22 As part of the package of traffic management measures, Bishop Clyst Parish Council would actively support the closure of Frog Lane to motor traffic, other than for access, if that should prove possible and permissible by ~~Devon CC~~ the Local Highway Authority. This may be facilitated by the delivery of the New Community proposed in the draft East Devon Local Plan 2020 – 2042, which is likely to

significantly alter the local road network, and may enable existing traffic to be removed from southern parts of Bishops Court Lane (leading to Frog Lane). ~~The~~ Alternatively, this could be facilitated by provision of a vehicular link between Bishops Court Lane and the proposed estate road through the land allocated for development under policy BisC12. However, ~~it is expected that~~ the latter would likely require traffic management measures ~~will to~~ be introduced in conjunction with the development ~~that will to~~ reduce the priority for traffic travelling west on Bishops Court Lane and generally discourage other than local motor traffic from using Bishops Court Lane, to advance its status as a quiet lane suitable for cycling. The necessity of a vehicular link between Bishops Court Lane and the development is therefore proposed to be confirmed following adoption of the East Devon Local Plan 2020-2042, which is expected to provide additional information regarding the infrastructure to be delivered in conjunction with the proposed New Community scheme layout should also have adequate capacity and provide for a road link to Bishops Court Lane. ~~However, it is expected that traffic management measures will be introduced in conjunction with the development that will reduce the priority for traffic travelling west on Bishops Court Lane and generally discourage other than local motor traffic from using Bishops Court Lane, to advance its status as a quiet lane suitable for cycling. As part of the package of traffic management measures, Bishop Clyst Parish Council would actively support the closure of Frog Lane to motor traffic, other than for access, if that should prove possible and permissible by Devon CC.~~

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

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

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