

EAST DEVON DISTRICT COUNCIL

BISHOPS CLYST NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

- 1.1 Following an independent examination, East Devon District Council now confirms that the Bishops Clyst Neighbourhood Development Plan will proceed to a Neighbourhood Planning Referendum.

2. Background

- 2.1 On 5 March 2014, East Devon District Council designated the area comprising the parishes of Clyst St Mary and Sowton as a Neighbourhood Area for the purpose of preparing a Neighbourhood Plan in accordance with Part Two of the Town and Country Planning (England), Neighbourhood Planning (General) Regulations 2012.
- 2.2 Following the submission of the Bishops Clyst Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 15 August 2016.
- 2.4 East Devon District Council appointed an independent examiner, Mr Nigel McGurk, to review whether the Plan should proceed to referendum.
- 2.5 The examiner's report concludes that subject to making the minor modifications recommended by the examiner, the Plan meets the basic conditions set out in the legislation and should proceed to a Neighbourhood Planning referendum.
- 2.6 Upon publication of the report, an additional error was noticed referencing a policy that was proposed for deletion as per the Examiner's recommendation. The regulations allow for further amendments to be made to the Plan by the Local Authority for the purpose of correcting errors and therefore it was agreed that an additional amendment be made to this effect.

3. Decision and Reasons

- 3.1 The District Council has made the following modifications, (incorporating the examiners modifications and the additional minor correction), to secure that the draft plan meets the basic conditions set out in legislation, for the reasons given:

Reason for Change	Change made
A plan showing the boundary of the Bishops Clyst Neighbourhood Area is provided on page 5 of the Neighbourhood Plan. Whilst I acknowledge that Bishops Clyst combines two former parishes that were merged administratively in 1976, the presentation of the plan on page 5 is a little confusing. It is entitled " <i>Bishops Clyst Neighbourhood Area boundary</i> " but the red line provided effectively shows two areas. For clarity, I recommend:	Map 1, page 5, change red line to show the Neighbourhood Area as a single area
The Foreword is clear and concise. There is a single typographical error:	Page 4, line 2, add "It is a key part..."
The Introduction refers to the built-up area boundary (BUAB). East Devon District Council has pointed out that a new BUAB will be proposed in a Villages Development Pan Document and I recommend:	Page 6, Para 1.11, change to "... (BUAB) for Clyst St Mary will be proposed in a

	<i>Villages Plan Document to be produced by East Devon District Council. In the meantime...</i>
Part of Paragraph 1.13 is unnecessarily confusing and I recommend:	Page 6, Para 1.13, change to “...dwellings, small gardens and parking for residents and visitors.
Page 11 refers to the structure of the Neighbourhood Plan. Whilst the Neighbourhood Plan is, largely, very well structured, I find that the inclusion of a limited and to some extent, subjective, list of Local Plan policies and National Planning Policy Framework (the Framework) references after each group of Policies detracts from a focus on the most important part of the Neighbourhood Plan – its Policies. Whilst perhaps helpful during the plan-making stages, the inclusion of these lists of references in the final version is unnecessary and potentially confusing, in that they draw attention away from the Neighbourhood Plan’s Policies and result in a less concise document. Other Policies and other planning documents exist and there is no need to attempt to summarise them in the Neighbourhood Plan.	Page 11, Para 5.3, delete “...reference to the planning...each policy.” Delete the “Related National & Local Policies” box after each group of Policies in the Policy Section of the Neighbourhood Plan
The Neighbourhood Plan refers to a Community Action Plan and provides links to a website where it states that the Plan “ <i>can be viewed.</i> ” However, at the time of undertaking this examination, the Community Action Plan was not included in the list of “ <i>Other Documents</i> ” at the website address provided. I was provided with a copy of this document by East Devon District Council. Whilst it does not form part of the Neighbourhood Plan, the Community Action Plan is referred to within it and I recommend:	Ensure that the Community Action Plan is available to download directly from the web-link provided
<u>Policy BiC01 Protecting and Enhancing Geodiversity, Biodiversity and Wildlife</u> The Framework states that: “ <i>Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking.</i> ” (Paragraph 173) The introduction to the Policy states that all development “ <i>will be expected to protect and enhance biodiversity and wildlife.</i> ” However, no evidence is provided to demonstrate that in all cases, for example, it will be viable, let alone possible or appropriate, for household extensions to enhance biodiversity. Criterion a) refers simply to protecting “ <i>grasslands.</i> ” There is no evidence to suggest national or local planning Policy protect grasslands for their own sake. However, taking supporting evidence and current planning policy into account, more precise wording could be used to clarify that the Policy is referring to “ <i>species rich grasslands.</i> ” Criteria b), c), d), e) and f) are vague. For example, no detailed information is	Policy BiC01, change the first two opening sentences to “<i>Where appropriate, proposals for new development will be expected to protect and enhance biodiversity and wildlife, to include:</i>” Delete Criterion b) to f) inclusive

<p>provided to define what would comprise an “<i>appropriate buffer zone...appropriate mitigation...</i>,” an “<i>ecologically sensitive area...ecological corridor...important geological site...</i>” a tree of “<i>...amenity value...</i>,” or what might comprise “<i>appropriate planting of new native trees and hedges.</i>” This leads the above Criteria to appear imprecise, contrary to national policy and advice. Planning Practice Guidance is explicit in requiring land use planning policies to be precise⁸. As set out, Criteria b) to f) fail to provide a prospective applicant with sufficient clarity and are imprecise.</p> <p>Further to the above, I note that Map 3 indicates “<i>Areas of Ecological Significance.</i>” The Map includes reference to areas that are already protected as well as to “<i>Unconfirmed Wildlife Sites.</i>” On the face of it, this latter category makes little sense and neither Policy 3 nor its supporting text provide a decision maker with relevant detailed information in this regard. Consequently, the Policy fails to provide a decision maker with a clear indication of how to react</p>	<p>Delete Map 3</p> <p>Para 8.4, delete final three sentences</p> <p>Change footnote 13, to “...East Devon <i>Pebblebed</i> Heaths Special Area of Conservation.”</p>
<p><u>Policy BiC02 Protecting Trees and Woodlands</u></p> <p>It may not, in all cases, be appropriate for replanting to take place on-site and there is no evidence to demonstrate that, for example, replanting nearby to a development site would, in all cases be inappropriate. I address this in the recommendations below. The second part of the Policy is vague and imprecise. It is not clear what “<i>proximity of existing mature trees</i>” actually means in terms of specific distance.</p>	<p>Policy BiC02, line 3, change to “...appropriate replacement <i>planting together with a method...</i>”</p> <ul style="list-style-type: none"> • Delete “New development within the proximity...during construction.”
<p><u>Policy BiC03 Improving Flood Defences</u></p> <p>The Policy goes on to include a reference to Policy BiC01. This makes little sense. In the absence of any reasoned evidence, it is not clear how, in all cases, the construction of new flood defences at Clyst St Mary can “<i>maximise contribution</i>” to a Policy (as worded), or even to development outcomes, as perhaps was the intention of this part of Policy BiC03. In any case, I recommend substantial changes to Policy BiC01. Furthermore, I note that the Neighbourhood Plan should be read as a whole and there is no need to cross-reference Policies within it.</p>	<p>Policy BiC03, change second sentence to “<i>In improving flood defences, opportunities should be taken to enhance biodiversity.</i>”</p>
<p><u>Policy BiC04 Minimising Flood Risk</u></p> <p>It will not be appropriate, in all circumstances, for all new development to incorporate SuDS systems. For example, there is no reason why a new shop sign, or the replacement of a window in a Listed Building should incorporate SuDS. However, in general, the provision of SuDS is widely recognised as contributing towards flood resilience and resistance in a sustainable manner and I recommend:</p>	<p>Policy BiC04, change to “<i>Where practical and appropriate, development proposals for the...minimise flood risk and, in particular...Park Avenue.</i>”</p>
<p><u>Policy BiC05 Water Course Status</u></p> <p>Policy BiC05 seeks to impose a requirement on all development, whether relevant or not, to provide a “<i>risk assessment</i>” amongst other things. No clarity is provided with regards precisely what the risk assessment must include, or of how it will be assessed, who by and on what basis. The Policy is imprecise in this respect. Further to the above, Policy BiC05 goes on to state that development proposals</p>	<p>Delete Policy BiC05</p> <p>Para 8.16, change to “...present status <i>and the Parish Council will</i></p>

<p>should incorporate measures: <i>“...to maintain and or enhance the ecological status of local water courses including monitoring.”</i> No detail is provided with regards precisely what levels need to be maintained, what the precise ecological status of all water courses comprises and what “<i>monitoring</i>” means. There is no evidence to demonstrate that viability has been taken into account in bringing forward this Policy, having regard to Paragraph 173 of the Framework. Policy BiC05 does not provide a decision maker with a clear indication of how to react to a development proposal and fails to have regard to Paragraph 154 of the Framework. I recommend:</p>	<p>seek opportunities to...status.”</p>
<p><u>Policy BiC06 Changes to Historic Buildings</u> National policy, in Chapter 12 of the Framework, “<i>Conserving and enhancing the historic environment,</i>” recognises heritage assets as irreplaceable and requires the conservation of heritage assets in a manner appropriate to their significance. Local Plan Strategy 49 (<i>The Historic Environment</i>) and Policy EN9 (<i>Development Affecting a Designated Heritage Asset</i>) establish a District-wide approach to protecting East Devon’s heritage assets. The first part of Policy BiC06 could have unforeseen circumstances. It simply supports any type of development so long as the development maintains the character of a heritage asset. Such an approach fails to take into account what might be relevant factors, such as the impact of development on highway safety or residential amenity and could result in support for inappropriate types of development. The rest of Policy BiC06 refers to something that does not exist. Whilst a Local Heritage List might emerge and obtain some kind of material planning status in the future it is inappropriate for a land use planning policy to, effectively, be based on something that is not yet in existence. Taking all of the above into account, I recommend:</p>	<p>Delete Policy BiC06</p> <p>Delete Paras 9.7 and 9.8</p>
<p><u>Policy BiC07 Maintaining Local Character</u> To some degree, Policy BiC07 has regard to the Framework and is in general conformity with the Local Plan. However, no evidence is provided to demonstrate that in every case it will be viable, or appropriate, for a development proposal to provide a landscape character assessment. The Bishops Clyst Design Statement provides a relevant, helpful and informative guide for developers. However, it has not been adopted as a planning document by East Devon District Council and it does not have the same planning status, or carry the same material planning weight, as a statutory planning document.</p>	<p>Policy BiC07, change to “<i>Development proposals should, where appropriate, provide an assessment of the character of the site and its context (including landscape character) and show how the development fits in with these specific characteristics. All development proposals are encouraged to demonstrate how they have taken</i></p>

	<i>the Bishops Clyst Design Statement into account.</i>
<p><u>Policy BiC08 Development outside of the Built-Up Area Boundary</u></p> <p>Policy BiC08 refers to the Clyst St Mary settlement boundary. However, in so doing, the Policy suggests that the boundary comprises “<i>the limit to development.</i>” It goes on to state that development outside the boundary will only be supported if it comprises re-use of a building, or use of a heritage asset; or complies with the Neighbourhood Plan and strategic policies in the Local Plan.</p> <p>National policy is founded upon sustainable development. It supports sustainable growth. Chapter 3 of the Framework, “<i>Supporting a prosperous rural economy,</i>” promotes various types of economic development within rural areas and in Paragraph 55, the Framework recognises that there are special circumstances that provide for different types of housing in the countryside. Many different forms of development, in addition to those identified in Policy BiC08, may be appropriate within a rural environment and no substantive evidence has been provided to the contrary.</p> <p>Taking the above into account, the approach set out in Policy BiC08 does not have regard to national policy.</p> <p>Furthermore, as worded, Policy BiC08 seeks to ignore all forms of adopted planning policies other than those in the Neighbourhood Plan, or which comprise strategic policies in the Local Plan. No justification for such an approach is provided. All up to date, adopted planning policies carry material planning weight. They cannot be ignored. Policy BiC08 does not meet the basic conditions. I recommend:</p>	<p>Delete Policy BiC08</p> <p>Delete Para 9.13</p> <p>Delete Map 5</p>
<p><u>Policy BiC09 Meeting Local Housing Need</u></p> <p>Paragraph 10.6 of the supporting text states that the Parish Council will regularly update its Housing Needs Survey: “...so as to offer advice on an appropriate local housing mix...” However, Policy BiC09 goes on to state that all housing proposals: “...need to demonstrate how they contribute towards meeting the identified housing needs...by reference to the most recent Housing Needs Survey for Bishops Clyst.”</p> <p>Such a requirement is very different to that of the Parish’s Housing Needs Survey simply providing relevant advice. It effectively raises the status of the advisory Survey, contrary to the supporting text, without apparent justification. This runs the risk of requiring reliance on an advisory document, without any corresponding statutory requirement for the document to be produced, updated or necessarily robust.</p> <p>Notwithstanding the above, the Policy is imprecise, in that no indication is provided as to how any residential development proposal should “contribute” to meeting needs. Furthermore, the Policy does not establish what might happen should a development not contribute to these needs and consequently, it does not provide a decision maker with a clear indication of how to react to a development proposal.</p> <p>In making the recommendation below, I acknowledge that the Parish Council intends to undertake its own Housing Needs Surveys and that it would be helpful for developers to refer to this. I recommend:</p>	<p>Delete Policy BiC09</p> <p>Retain Para 10.6</p>

<p><u>Policy BiC10 Meeting Demand for Smaller Dwellings</u></p> <p>The Neighbourhood Plan is confusing with regards the provision of smaller dwellings. Paragraph 10.7 of the supporting text refers explicitly to the need for one and two bedroomed affordable dwellings. Paragraph 10.8 then states that the Parish Council requires an unspecified minimum number of smaller households within larger housing developments. With reference to existing commitments, it goes on to state that: "...the number of smaller dwellings identified in the Housing Needs Survey will be easily reached."</p> <p>Paragraph 10.8 states that there has not been any specific consultation on the "question of providing smaller dwellings."</p> <p>Then, apparently regardless of much of the above, Policy BiC10 seeks to impose a requirement for all residential developments to contain a mix of dwellings including at least 25% comprising one or two bedroom dwellings. This is based on an assumption that 25% "is adequate for demand..."</p> <p>The Policy does not reflect the supporting text.</p> <p>It is not clear how a development of say three (or two, or one) dwellings could provide 25% of homes as one or two bedroomed, or indeed, why it would need to do so. Furthermore, there is no evidence to demonstrate that the requirements of Policy BiC10 have regard to Paragraph 173 of the Framework, in respect of viability. Paragraph 50 of the Framework supports the provision of a wide choice of high quality homes. Taking this, the above and the supporting information provided into account, I recommend:</p>	<p>Policy BiC10, change to "Within residential development sites, the provision of a mix of dwellings, to include one or two bedroom dwellings, will be supported."</p>
<p><u>BiC11 Off-road Parking Spaces on New Housing Developments</u></p> <p>Policy TC9 (<i>Parking Provision in New Development</i>) of the Local Plan requires one parking space for one bedroomed homes and two parking spaces for homes with two or more bedrooms. Policy BiC11 seeks to set its own parking standards. These would include the provision of a minimum of two spaces for a one bedroomed dwelling and three spaces for a three bedroomed house. As such, the proposed parking standards are significantly greater than those set out in the Local Plan and as a consequence, Policy BiC11 is not in general conformity with the Local Plan.</p> <p>The Framework states: "If setting local parking standards for residential and non-residential development, local planning authorities should take into account: the accessibility of the development; the type, mix and use of the development; the availability of and opportunities for public transport; local car ownership levels; and an overall need to reduce the use of high-emission vehicles." (Paragraph 39)</p> <p>The Neighbourhood Plan does not provide substantive evidence to demonstrate that, in seeking to set significantly different parking standards to those in the Local Plan, it has had regard to Paragraph 39 of the Framework. Furthermore, there is no evidence to demonstrate that the requirements set out in Policy BiC11 are viable, having regard to Paragraph 173.</p> <p>The Neighbourhood Plan states that the standards set out in Policy BiC11 are aimed at ensuring that local roads do not become any more congested or obstructed by parked cars. Notwithstanding the lack of substantive evidence of existing congestion and obstructions,</p>	<p>Delete Policy BiC11</p> <p>Delete Para 10.11</p>

<p>no evidence has been provided to demonstrate that Policy BiC11 will necessarily achieve these aims. The Policy does not meet the basic conditions. I recommend:</p>	
<p><u>Policy BiC12 Providing Space for New Dwellings</u> Policy BiC12 is vague and imprecise. It requires the provision of: “...<i>suitable and adequate private garden, outdoor amenity and external storage space commensurate with the size and type of dwelling and the likely needs of the occupiers.</i>” No indication is provided of what “<i>suitable and adequate</i>” means in this context. Furthermore, it is not clear what the difference between “<i>private garden</i>” and “<i>outdoor amenity</i>” space comprises and nor is any detail provided with regards what the likely needs of occupiers are. It is unclear how this latter requirement would be calculated, who by and on what basis. The Policy goes on to require that: “<i>The layout and amount of land used for garden or amenity space for each dwelling should be in accordance with the Bishops Clyst Design Statement.</i>” However, the Bishops Clyst Design Statement does not provide any detailed or specific measurements in this regard. Furthermore, I note that the Design Statement has not been adopted by East Devon District Council and that it simply comprises local guidance. Taking the above into account, I recommend:</p>	<p>Policy BiC12, change to “Proposals for housing development should include provision for private outdoor amenity space and external storage space.” (delete rest of Policy)</p>
<p><u>Policy BiC13 Safeguarding Community Facilities</u> The Policy refers to registered Assets of Community Value but there is no evidence in the Neighbourhood Plan that any of these exist in the Neighbourhood Area. It is not the role of land use planning policies to protect something that does not exist. The Policy then sets out a list of criteria, all of which need to be met. The first part of Criterion A negates the need for the second part – if there is no viable prospect of continued use, then it is very likely that there is a need for change. Criterion A conflicts with Criterion C. If there is no viable prospect for the continuing use of a facility then it cannot continue, whether or not there is some need or demand for it, as the need or demand is insufficient to make the use viable. Criterion D is imprecise as it fails to provide applicants or decision makers with an indication of what the “<i>special character</i>” of the area comprises. Taking the above into account, I recommend:</p>	<p>Policy BiC13, delete “...and registered Assets of Community Value...”</p> <p>Criterion A, delete “...and they demonstrate a need for their proposed change;”</p> <p>Criterion C, change to “it will provide an alternative community use;”</p> <p>Delete Criterion D</p>
<p><u>Policy BiC15 Primary School Expansion</u> Paragraph 11.9 of the supporting text refers to the likely need for expansion of the primary school and also notes the Parish Council’s support for this. However, Policy BiC15, in attempting to provide land use planning policy support, sets out what appears as a confusing, imprecise and unclear Policy. Firstly, it is not clear why only development to meet “<i>local needs</i>” is supported, and in the absence of a clear definition, what this actually means. If the primary school needs to expand, then it needs to expand. It is neither the role nor responsibility of the Neighbourhood Plan to dictate the basis of the need for the expansion of a school. The Bishops Clyst Design Statement does not provide clarity on how a village school</p>	<p>Delete Policy BiC15</p> <p>Retain Para 11.9 (which provides helpful background information)</p>

<p>should expand and it is therefore unclear why such expansion must be “<i>in accordance with the Design Statement.</i>”</p> <p>No indication of what “<i>unacceptable loss</i>” is, is provided and hence, this part of Policy BiC15 is imprecise. Further, it is not clear what “<i>any nuisance</i>” might comprise, how this will be measured, who by and on what basis. Consequently, the Policy does not provide a decision maker with a clear indication of how to react to a development proposal.</p> <p>The Policy does not have regard to national policy and does not meet the basic conditions. I recommend:</p>	
<p><u>Policy BiC18 Farm Diversification</u></p> <p>To support a prosperous rural economy, national policy promotes: “...<i>the development and diversification of agricultural and other land-based rural businesses.</i>” (Paragraph 28, the Framework) To some extent, Policy BiC18 supports diversification and has regard to this. However, the Policy only supports diversification “<i>where it is justified...in the interests of viability.</i>” Such an approach does not have regard to national policy, which does not set out such an onerous requirement.</p> <p>In addition to the above, Paragraph 12.6, expresses the opinion that: “<i>Development, other than normal agricultural development, in the countryside, should be strictly limited.</i>” No substantive evidence has been provided in support of this statement, which appears at odds with national policy founded on sustainable growth and supporting a prosperous rural economy, in part through:</p> <p>“...the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.” (Paragraph 28, the Framework)</p> <p>Paragraph 32 of the Framework is clear in establishing that development should only be prevented on transport grounds where the residual cumulative impacts are severe. The Policy is vague and imprecise in its reference to “<i>unacceptable</i>” impacts on the local road network. Taking all of the above into account, I recommend:</p>	<p>Policy BiC18, change to “<i>To support farm diversification, the conversion of existing agricultural buildings for business or business-related purposes will be supported where: a) the proposal would be compatible with its landscape setting; b) the proposal takes into account residential amenity and highway safety; c) the proposal is compatible with the agricultural or other land based activities present in the area; d) the buildings concerned would not require substantial rebuilding or disproportionate extension.</i>”</p> <p>Delete Para 12.6</p>
<p><u>Policy BiC20 The Westpoint Showground</u></p> <p>Policy BiC20 seeks to support development “<i>consistent with the site’s current purpose and activities.</i>” However, no detail is provided with regards specifically what kind of development would be consistent with the site’s current purpose and activities and as such, Policy BiC20 is imprecise.</p> <p>With reference to the final part of the Policy, it is unclear on what statutory basis future planning permissions are required to comply with planning conditions for previous development. Similarly, it is</p>	<p>Delete Policy BiC20</p> <p>Delete Para 12.8</p>

<p>unclear how something that has not yet occurred can be subject to a pre-existing legal agreement.</p> <p>In making the recommendation below I also note that the reference to “<i>careful scrutiny</i>” in Criteria c) lacks precision in terms of who will scrutinise proposals and on what basis. I recommend:</p>	
<p><u>Policy BiC21 Traffic Impact of New Development</u></p> <p>Policy BiC21 requires all proposals for major development to demonstrate how they will provide good pedestrian and cycle connections with safe crossings to bus stops, schools and other village facilities. The requirement is regardless of the location of development. However, no evidence is provided to demonstrate that such a requirement would be viable or appropriate for all major development, leading this part of Policy BiC21 to fail to have regard to Paragraph 173 of the Framework.</p> <p>The Policy goes on to require all major development to mitigate additional traffic impact on the main roads. However, this fails to have regard to Paragraph 32 of the Framework, which states that: “<i>Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.</i>”</p> <p>No indication is provided in respect of how all major development can be expected to “<i>not encourage ‘rat-running’</i>” and how this will be measured, who by and on what basis. This part of Policy BiC21 is imprecise. Policy BiC21 does not meet the basic conditions. I recommend:</p>	<p>Delete Policy BiC21</p>
<p><u>Policy BiC22 Off-Road Parking Spaces for Existing Premises</u></p> <p>It is not clear what the differences are between the first three Criteria – “<i>character of the local environment...quality of the surrounding natural environment...visual amenity of the area.</i>” No detail is provided in this regard and consequently, the Policy is imprecise and fails to provide a decision maker with a clear indication of how to react to a development proposal.</p> <p>As set out, the Policy does not require new parking spaces to take account of highway safety or residential amenity. Given that such spaces would, in all likelihood, be located adjacent to and accessed from the highway, it would be appropriate for a Policy concerned with local character and flood risk to also have regard to such matters. I recommend:</p>	<p>Delete Criterion a), b) and c) and replace with “a) <i>local character</i>; b) <i>residential amenity</i>; c) <i>highway safety</i>”</p>
<p><u>BiC23 Off-Road Parking for New Development</u></p> <p>As set out, Policy BiC23 is vague and imprecise. It requires all non-residential development to provide for “<i>adequate</i>” parking and is reliant on other Policies in other documents not within the control of the Neighbourhood Plan, to define “<i>adequate.</i>” Further to the above, it is unclear why all non-residential development should provide parking. It would not be relevant or appropriate for many types of nonresidential development – for example, advertisements, new shop fronts, changes to Listed Buildings etc. – to provide parking. No justification is provided for such an onerous approach.</p> <p>However, I recognise the local community’s concerns with regards off-road parking and taking the information before me into account, I recommend:</p>	<p>Policy BiC23, change wording to “<i>New non-residential development should demonstrate consideration of the need for off-road parking, taking into account the type of development and accessibility of the location. Where practicable,</i>”</p>

	<p><i>permeable materials should be used for parking areas.”</i></p> <p>Delete Paras 13.9, 13.10 and 13.12 (taking into account recommendations above)</p>
<p><u>Policy BiC26 Linking the Parish to the Exe Estuary Trail</u> Paragraph 204 of the Framework states that planning obligations should only be sought where they are: “...<i>necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.</i>” Policy BiC26 seeks contributions from developers towards the design and construction of a cycleway. However, in the absence of any evidence – for example, setting out which developments would provide contributions and on what basis, there is nothing to demonstrate that the Policy has regard to Paragraph 204 of the Framework. Policy BiC26 is imprecise and does not meet the basic conditions. I recommend:</p>	<p>Delete Policy BiC26</p>
<p><u>Policy BiC28 Local Green Space</u> The designations have regard to national policy. I note that designation as a Local Green Space has no impact on ownership or access. It simply provides protection on the basis set out in the Framework. I also note that Policy BiC28 is in general conformity with Local Plan Policy RC1 (<i>Retention of Land for Sport and Recreation</i>), part of the purpose of which is to protect open space. In this regard, the wording of Policy BiC28, as set out, should have regard to Paragraph 77 of the Framework, which is clear in respect of how Local Green Space should be controlled. I address this in the recommendations below.</p>	<p>Policy BiC28, change first sentence to “...Local Green Spaces, where new development is ruled out other than in very special circumstances: 1, Clyst...”</p> <p>Delete “Proposals for development on this land...will be resisted.”</p>
<p><u>BiC29 Protecting Existing Sport Facilities</u> The final criteria of the Policy, Criteria c), makes reference to other Policies in the Neighbourhood Plan. This is unnecessary as the Policies of the Neighbourhood Plan should be read together. Criteria c) also refers to the need for proposals to comply with “<i>higher level policy.</i>” An application for development will be considered against all relevant adopted policies, regardless of whether they are “<i>higher level</i>” or not. Taking the above into account, I recommend:</p>	<p>Policy BiC29, delete Criteria c)</p>
<p><u>Policy Bic30</u> Criterion a) refers to “<i>etc</i>” which is an imprecise term and Criterion c) fails to have regard to Paragraph 32 of the Framework, which states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are</p>	<p>Policy BiC30, Criterion a), delete “etc”</p> <p>Delete Criterion c)</p>

severe. I recommend:	
I note that the recommendations made in this Report will have a subsequent impact on page numbering and Contents. I recommend:	Update the Contents page (page 3) to reflect the recommendations above

2.7 The additional error that was noticed following the publication of the examiner's report and that members agreed to amend is shown below.

<u>Reason for Change</u>	<u>Change made</u>
Remove reference to policy BE3 (now BiC08) as this policy is proposed for deletion.	Para 1.11, Remove the following sentence '<i>In the meantime, the neighbourhood Plan has designated a BUAB as part of Policy BE3. We have, in effect, re-instated the BUAB for Clyst St Mary contained in the previous Local Plan until such time as it is replaced by an agreed new BUAB.</i>'

3.2 The District Council has considered whether to extend the area in which the referendum is to take place. Like the examiner, the District Council has decided that there is no reason to extend the Neighbourhood Plan area for the purpose of holding the referendum.

3.3 The examiner has concluded that with the minor modifications made the Plan meets the basic conditions and other relevant legal requirements. The Council concurs with this view. Therefore to meet the requirements of the Localism Act 2011 a referendum which poses the question 'Do you want East Devon District Council to use the Neighbourhood Plan for Bishops Clyst to help it decide planning applications in the neighbourhood area?' will be held in the parishes of Clyst St Mary and Sowton..

3.4 The date on which the referendum will take place is agreed as 26 January 2017.