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# **Report on Clyst St George Neighbourhood Plan 2015-2031**

**An Examination undertaken for East Devon District Council with the support of the Clyst St George Parish Council on the March 2018 submission version of the Plan.**

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Date of Report: 23 July 2018

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## **Main Findings** - Executive Summary

From my examination of the Clyst St George Neighbourhood Plan and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – the Clyst St George Parish Council;
- The Plan has been prepared for an area properly designated – the Clyst St George Parish shown in Map 1;
- The Plan specifies the period to which it is to take effect – 2015-31; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates, and have concluded that it should not.

## **1. Introduction and Background**

### *Clyst St George Neighbourhood Plan 2015 - 2031*

- 1.1 The Parish of Clyst St George lies some 5 miles south-east of the centre of Exeter and 6 miles north of Exmouth. The River Clyst forms much of the western boundary to the Parish, separating it from the old town of Topsham. The M5 motorway forms the north-western boundary of the Parish and the A376, a major trunk road providing access to the motorway and Exmouth, bisects the Parish. The area has a very long and distinguished history; the Manor of Clyst St George was mentioned in the Domesday Book. The Parish is distinctly rural in character, with mixed farmland predominant in the northern and eastern parts. There are three small concentrations of settlement to the west. Clyst St George is a hamlet with some 38 dwellings in 2012, a church, village hall and primary school. Ebford, with 127 dwellings in 2012, contains a number of imposing listed buildings, but is lacking in community facilities. There is also an area of housing along the Clyst Road parallel to the M5 motorway.
- 1.2 The Parish population contains a high percentage of older people, and the housing stock serves mainly owner-occupiers; average house prices

locally are very high compared with neighbouring Exeter and Exmouth<sup>1</sup>. There are higher than average percentages of people in managerial or professional occupations. Statistics on deprivation indicate that the Parish population's health and wellbeing levels are high. There are estimated to be some 60 businesses in the Parish offering employment locally to some 300 people. Map 8 of the Clyst St George Neighbourhood Plan (CSGNP) shows the main business parks, mostly in the south and west of the Parish. Nevertheless, despite local opportunities for work, statistical data show that only 6% of people work locally enough to walk to work, with the majority commuting to Exeter or Exmouth. Despite a relatively good public transport service (see the Local Evidence Report), the majority of residents travel to work by car.

- 1.3 The Parish includes areas at risk of flooding north of the village of Clyst St George and through Ebford. Map 5 of the CSGNP shows that the western part of the Parish has significance at international and national level for biodiversity (part of the Exe Estuary Site of Special Scientific Interest/ Special Protection Area (SSSI/SPA) and Ramsar site is within the Parish). In addition, much of the Clyst valley is a designated County Wildlife Site.
- 1.4 As the Foreword to the submitted CSGNP explains, work on a neighbourhood plan began in Autumn 2014, following suggestions from some residents. A meeting, with a presentation by an experienced planning consultant, was held on 3 December 2014 to raise public awareness. Some 65 people attended and more than 80% were in favour of the neighbourhood plan being prepared. Following Parish Council (PC) elections in May 2015, a Steering Group for plan preparation was set up, comprising three Parish Councillors and five residents.

#### *The Independent Examiner*

- 1.5 As the Plan has now reached the examination stage, I have been appointed as the examiner of the CSGNP by East Devon District Council (EDDC), with the agreement of the Clyst St George PC.
- 1.6 I am a chartered town planner and former government Planning Inspector, with previous experience examining neighbourhood plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the draft plan.

#### *The Scope of the Examination*

- 1.7 As the independent examiner I am required to produce this report and recommend either:
  - (a) that the neighbourhood plan is submitted to a referendum without changes; or

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<sup>1</sup> CSG Local Evidence Report 2015.

(b) that modifications are made and that the modified neighbourhood plan is submitted to a referendum; or

(c) that the neighbourhood plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.8 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the Plan meets the Basic Conditions;
- Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
  - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for 'excluded development';
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
  - whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) ('the 2012 Regulations').

1.9 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

### *The Basic Conditions*

1.10 The 'Basic Conditions' are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the neighbourhood plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;

- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.11 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the neighbourhood plan should not be likely to have a significant effect on a European Site (as defined in the Conservation of Habitats and Species Regulations 2017) or a European Offshore Marine Site (as defined in the Offshore Marine Conservation (Natural Habitats etc.) Regulations 2007), either alone or in combination with other plans or projects.

## **2. Approach to the Examination**

### *Planning Policy Context*

- 2.1 This report includes my assessment as to whether the CSGNP is in general conformity with the Local Plan. The Development Plan for this part of the EDDC area, not including documents relating to excluded minerals and waste development, is the East Devon Local Plan 2013-31, adopted 28 January 2016. The East Devon Villages Plan ('the draft Villages Plan') was submitted for examination in June 2017, and the Inspector concluded that it was sound, subject to a number of modifications. Public consultation on the modifications was held between December 2017 and February 2018, and adoption of the Plan is anticipated in late July 2018<sup>2</sup>.
- 2.2 The planning policy for England is set out principally in the National Planning Policy Framework (NPPF). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented. I have had regard for PPG Reference ID 41-009-20160211 and NPPF paragraph 184 on the alignment of neighbourhood plan policies with advanced emerging plan policy in the draft Villages Plan in my examination of the CSGNP. The emerging plan defines Built Up Area Boundaries (BUABs) for a number of settlements, and I comment on its relevance for the CSGNP in paragraph 4.7 below.

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<sup>2</sup> Source: EDDC website.

### *Submitted Documents*

- 2.3 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise:
- the draft Clyst St George Neighbourhood Plan 2015-2031, March 2018;
  - Map 1 of the Plan which identifies the area to which the proposed neighbourhood development plan relates;
  - the Consultation Statement, March 2018;
  - the Basic Conditions Statement, March 2018;
  - all the representations that have been made in accordance with the Regulation 16 consultation; and
  - the Strategic Environmental Assessment (SEA) Screening Opinion prepared by EDDC (Appendix 3 to the Basic Conditions Statement gives a summary).

### *Site Visit*

- 2.4 I made an unaccompanied site visit to the neighbourhood plan area on 12 June 2018 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and evidential documents.

### *Written Representations or Public Hearing*

- 2.5 This examination has been dealt with by written representations. I considered hearing sessions to be unnecessary as the consultation responses clearly articulated the objections to the Plan, and presented arguments for and against the Plan's suitability to proceed to a referendum.

### *Modifications*

- 2.6 Where necessary, I have recommended modifications to the Plan (**PMs**) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

## **3. Procedural Compliance and Human Rights**

### *Qualifying Body and Neighbourhood Plan Area*

- 3.1 The CSGNP has been prepared and submitted for examination by Clyst St George PC which is a qualifying body for an area that was designated by East Devon District Council on 11 March 2015.

- 3.2 It is the only neighbourhood plan for Clyst St George, and does not relate to land outside the designated neighbourhood area.

#### *Plan Period*

- 3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2015 to 2031.

#### *Neighbourhood Plan Preparation and Consultation*

- 3.4 After the Steering Group for plan preparation was set up in May 2015, a survey of all local residents and businesses, to identify the main planning issues in the Parish, was undertaken in May-June 2015. Some 370 questionnaires were distributed, and 203 were returned. The survey included Class 3 students at the local primary school. Results from analysis of the survey data were reported at an exhibition in the village hall in July 2015. Some 80 people attended. Draft aims and objectives for the Parish were developed in a subsequent workshop session in November 2015, and presented to the community at an exhibition in January 2016, having been advertised in the local newspaper, by e-mail and through the distribution of leaflets. 56 people attended the exhibition in the Clyst St George village hall.
- 3.5 The PC carried out an informal consultation exercise of a draft CSGNP between June and August 2017, using its website and e-mail, which elicited some 23 responses. The results led to some amendments to the Plan which was put forward for statutory consultation in accordance with Regulation 14 of the 2012 Regulations, in November-December 2017. The local community newsletter, specific letters to local businesses, the PC's website and e-mails to local organisations were the main methods used to engage people and parties. 3 responses were made by local people and businesses, and 9 by statutory consultees.
- 3.6 Amendments were made to the draft CSGNP after receipt of those responses, and the submission version of the Plan was consulted on between 23 March and 4 May 2018 (under Regulation 16 of the 2012 Regulations). 10 responses were received, which I have taken into account in this examination. The Consultation Statement, March 2018, provides a detailed account of plan preparation and consultation procedures. I am satisfied that the PC has had regard to the advice in the PPG on plan preparation and engagement, using a variety of techniques to engage with local residents, businesses and other organisations (including statutory bodies), and has met the legal requirements for public consultation.

#### *Development and Use of Land and Excluded Development*

- 3.7 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act. In addition, the Plan does not include provisions and policies for 'excluded development'.

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## *Human Rights*

3.8 Page 18 of the Basic Conditions Statement includes an assessment by the PC which concludes that the CSGNP has regard to the fundamental rights and freedoms guaranteed under the European Convention, and complies with the Human Rights Act 1998. EDDC referred to the requirement for the CSGNP to be compatible with human rights requirements in paragraph 4.3 of its response to the submitted neighbourhood plan (note for Cabinet Meeting 2 May 2018). EDDC has not argued that the Plan would breach human rights (within the meaning of the Human Rights Act 1998). From my independent assessment, I see no reason to disagree, and consider that the submitted Plan is consistent with upholding human rights.

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

### *EU Obligations*

4.1 The CSGNP was screened for SEA by EDDC, which found that it was unnecessary to undertake SEA. As reported on Page 18 of the Basic Conditions Statement, EDDC found that the Plan was unlikely to have a significant environmental impact. It does not propose a level of development over and above that in the adopted Local Plan, which was subject to SEA. Screening by EDDC also led to it stating that the CSGNP does not require a Habitats Regulations Assessment (HRA). From my independent assessment of these matters, I have no reason to disagree and support the conclusions of EDDC. For the avoidance of doubt, I can also confirm I have considered whether there are any implications arising from the recent judgement<sup>3</sup> of the Court of Justice of the European Union concerning the interpretation of the Habitats Directive, which I conclude there are not in this particular instance.

### *Main Issues*

4.2 Having regard for the submitted CSGNP, the consultation responses and other evidence, and the site visit, I have assessed whether the various sections of the Plan comply with the Basic Conditions as follows:

- Introduction, Context, Purpose and Structure of the Plan leading to the statement of the Vision, Aims and Objectives;
- Sustainable Development and Natural Environment;
- Built Environment and Housing, Community Spaces and Recreation;
- Traffic and Parking;
- Business and Jobs; and
- Monitoring.

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<sup>3</sup> *People Over Wind and Sweetman vs Coillte Teoranta (ref: C-323/17)*.

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*Introduction, Context, Purpose and Structure of the Plan leading to the statement of the Vision, Aims and Objectives*

- 4.3 The Introduction to the Plan begins by explaining the extent of the “neighbourhood area” with Map 1 clearly illustrating the extent of the Parish. After a brief section on the history of Clyst St George, paragraphs 2.7 to 2.13 describe the character of the area including its three main settlement areas and relationship to the River Clyst, among other things. However, the Parish is not located south of Topsham and it is unclear what is meant by “*the largest town in Devon*”. I consider that the wording in paragraphs 2.7 and 2.8 should be modified, 2.10 should be amended so that the “County Wildlife Site” is accurately referenced, and a new map added which shows the key features mentioned in this section. These features are Exeter (part of), Topsham, Clyst St Mary, River Clyst, Grindle Brook, A376, M5 (part of), the three main settlements and the community facilities described in paragraph 2.9, and the County Wildlife Site. **PM1** should be made to give clarity to readers and users of the Plan, and help the achievement of sustainable development.
- 4.4 Turning to the future (Tomorrow), paragraphs 2.14 to 2.19 make clear the local opposition to Clyst St George Parish becoming a suburb of Exeter and losing its rural character. However, I am pleased to read that residents recognise the desirability of some small scale development to meet local need which is incremental and sensitive to ecological and historic features. This is consistent with the promotion of sustainable development, as set out in the NPPF.
- 4.5 Paragraph 2.15 asserts that “*In recent years, the Parish has been inundated with planning applications.*” Paragraph 2.16 goes on to state “*Dealing with house building has been a recurring problem for the Parish Council.*” As it has been and remains the responsibility of EDDC not the Parish Council to determine planning applications and impose conditions and obligations to secure appropriate housing with good design and supporting infrastructure, I find these statements potentially misleading. The Local Evidence Report lists a significant number of recent residential applications, and I do not under-estimate the local community’s concerns about the impact of substantial new housing development in this rural area. However, I propose modification to the wording (**PM2**), so that it is consistent with national policy on development management, and does not undermine the more positive tone in paragraph 2.19 which supports the achievement of sustainable development. EDDC pointed out that much of the area west of the A376 is Green Wedge, as defined in Strategy 8 of the Local Plan and shown on Map 2 of the CSGNP. Green Wedge status should prevent the gap between the edge of Exeter and the settlements of Clyst St George and Ebford being filled with new development, as some local people fear. **PM2** would add a reference to

the Green Wedge, which should be made to ensure general conformity with the Local Plan.

- 4.6 Section 3 of the CSGNP outlines the Strategic Context for the Plan. I have considered whether or not there should be a reference to the emerging East Devon Villages Plan, as its adoption is anticipated soon. The emerging Plan's main purpose is to define BUABs for a number of settlements, including Clyst St Mary and Woodbury, in order to guide future development to suitable sites. As Clyst St George and Ebford do not feature in the Villages Plan, I consider it unnecessary to mention the emerging Plan in the CSGNP, and am satisfied with the coverage of national and local planning policy in section 3.
- 4.7 Section 4 sets out the purpose of neighbourhood planning as defined in the NPPF and the Basic Conditions with which the CSGNP must comply. It gives a brief overview of the planning process including the consultation exercises, and explains how the Plan once adopted will become a statutory development plan, used by EDDC in its development management decisions. Section 5 also briefly outlines the Structure of the Plan and describes the Companion Documents which accompany the submitted CSGNP. Section 6: Vision, Aims and Objectives sets out a Vision "*To retain the 'rural Devon' feel of our Parish, whilst bringing the advantages of the 21<sup>st</sup> century to our homes and businesses*". Aims and objectives related to the Vision were developed with input from the community, and they form the basis for the topics and policies which are addressed in the Plan. I consider this to be a firm basis for neighbourhood planning, and commend the Steering Group for the approach described in section 6, including its inclusion of Community Actions, measures which lie outside land use planning but have been referred to the PC. Providing the above proposed modifications are made, I am satisfied that sections 1-6 of the Plan provide clear and useful introductory information, and meet the Basic Conditions for neighbourhood planning.

#### *Sustainable Development and Natural Environment*

- 4.8 I support the Overview on Page 12 of the Plan which succinctly summarises the constraints on development in the Parish. In paragraph 7.2, "*Costal*" should be modified to read "*Coastal*" Protection Zone, as proposed in **PM3**. Also, the key to Map 2 alongside paragraphs 7.2-7.4 should be enlarged so that it is readable in printed form. **PM3** is necessary having regard for national policy designations.
- 4.9 Policy CSG1 supports development proposals which would contribute to the sustainability of settlements and communities, among other things. Gladman Developments Limited commented, in their response to the Regulation 16 consultation exercise, that the Government's PPG makes

clear that neighbourhood plans should not restrict housing development in settlements. Reference was also made to the Inspector's report on the East Devon Local Plan which recommended an early review if new homes were not delivered at the required rate. Therefore, Gladman recommended that the CSGNP be flexibly worded, in case an early review of the Local Plan to increase housing numbers was required. I am, however, satisfied that Policy CSG1, with the supporting text notably paragraph 7.6, offers some flexibility for new housing development providing it meets criteria for sustainable development which is not harmful to the local environment, and providing it meets good design principles. The policy meets the Basic Conditions in my view, and need not be modified.

- 4.10 At my site visit, I saw the two areas which Policy CSG2 proposes to designate as local green space. The supporting text quotes from national planning policy as set out in paragraphs 76-78 of the NPPF. The NPPF cautions that local green space designation will not be appropriate for most green areas or open space. However, I am satisfied that the Church Nature Garden and The Green in Clyst St George are reasonably close to the community they serve and are demonstrably special to the local community and appear to have a particular local significance. There are only 2 sites and both are local in character and not extensive tracts of land. Policy CSG2 and Map 3 have, therefore, had regard for national planning policy and I am satisfied that the designations meet the Basic Conditions.
- 4.11 Map 4 shows the flood zones which cover a significant land area in the Parish, and paragraph 7.13 briefly explains that the Clyst Valley is commonly and regularly susceptible to flooding. Policy CSG3 requires development proposals, where appropriate, to be accompanied by detailed drainage proposals and the supporting text explains that the Environment Agency has encouraged the PC to adopt a bold policy. I consider that the thrust of this policy should contribute to the achievement of sustainable development, and it has my support. However, EDDC argued that paragraph 7.15's assertion, that recent development may have contributed to worse flooding in Ebford, lacks evidence. EDDC suggests it may be that the poor state of agricultural soils (compacting) has been the principal cause of flooding. In the absence of firm causal evidence, the last sentence of paragraph 7.15 should be modified as in **PM4**. This is necessary to help achieve sustainable development.
- 4.12 Section 8, including Map 5, provides useful information about the geology, landscape and areas designated for their ecological significance in and adjacent to the Parish. It is explained that community surveys and consultation on the emerging CSGNP have demonstrated overriding support for protecting the character of the natural environment. EDDC criticised the first objective on Page 17 of the Plan, suggesting that it

should require all new development to achieve a net gain for biodiversity, and not just focus on mitigation. Having regard for paragraphs 109-119 of the NPPF, I consider that the first objective should be re-worded. However, requiring all new development to achieve a net gain for biodiversity as suggested by EDDC could be unduly onerous and, in my opinion, would go beyond the expectations of the NPPF.

- 4.13 Paragraph 113 of the NPPF supports "*criteria-based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged*". It also states that "*Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks*". Paragraphs 8.8 and 8.9, and Map 5, of the CSGNP advise that the Parish includes a sizeable County Wildlife Site, and is in close proximity to the Coastal Preservation Area and Exe Estuary with its designated Ramsar, SSSI and SPA.
- 4.14 The first objective should be modified, in my view, to ensure that any new development proposals:
- are based on full assessment of any likely impact on the natural environment,
  - minimise potentially harmful impacts on biodiversity and geodiversity, having regard for the status of sites of international, national and county ecological significance which are shown on Map 5, and
  - achieve a net gain in biodiversity wherever possible.

**PM5** should be made to secure this change having regard for the NPPF and in order to be in general conformity with Local Plan Strategy 44: Undeveloped coast and coastal preservation area, and Strategy 47: Nature conservation and geology. PM5 should also contribute to the achievement of sustainable development when Policy CSG4 is triggered.

- 4.15 Policy CSG5 relates to Development Outside the Settlement Areas. I have already recommended that the three settlement areas described in paragraph 2.9 of the Plan should be shown on a new map or diagram (paragraph 4.4 above). This should help clarify which areas are covered by Policy CSG5. The settlements are not shown with BUABs in the emerging Villages Plan, implying that there will be some uncertainty as to what constitutes "*land outside the confines of the settlement areas*". The Clyst St George Parish Design Statement March 2018 includes a map of the 3 main areas of settlement which could usefully be referenced in paragraph 8.12, so that Policy CSG5 will be more robust and will contribute to the achievement of sustainable development. **PM6** should be made to secure this. In addition, EDDC suggested amendments to the

wording of Policy CSG5 to reinforce it, which I support and have included in **PM6** to meet the Basic Conditions.

- 4.16 Policy CSG6 aims to protect trees and woodlands, with Map 6 illustrating particular areas of woodland in the Parish. Policy CSG7 seeks the protection of hedgerows. EDDC proposed some amendments to their wording, which I agree are necessary to achieve sustainable development. With the modification, **PM7**, I consider that Policies CSG6 and CSG7 will be in general conformity with Strategy 46: Landscape Conservation and Enhancement and AONBs<sup>4</sup>, of the Local Plan, which recognises the value of species-rich hedgerows, woodlands and river valleys. The policies will also then have regard for paragraph 117 of the NPPF. With PM3-PM7 inclusive in place, I conclude that the sections of the Plan addressing sustainable development and the natural environment will meet the Basic Conditions.

#### *Built Environment and Housing, Community Spaces and Recreation*

- 4.17 The Overview at the beginning of section 9 explains that the Parish has been settled for more than 1,000 years and has developed incrementally over time. The “*tapestry of styles and designs*” of buildings in the main settlements and wider countryside was readily discernible at my site visit. It provides justification for Policy CSG8 which takes forward the Plan’s aim to maintain and protect heritage assets. However, the policy itself is unclear as to what constitutes a “*local heritage asset*”. Whilst paragraph 9.10 refers to listed buildings, identifying four specifically, paragraph 9.9 states that the policy is designed to protect non-statutory heritage assets. Paragraphs 9.11 and 9.12 declare an intention of the Parish Council to compile a “Schedule of Local Heritage Value” and have features included in EDDC’s List of Local Heritage Assets “*once it has been created*”.
- 4.18 In answer to my query on 22 June 2018 as to whether a local list of heritage assets had been drawn up, the Parish Council sent me a copy of criteria assembled by EDDC for use in defining local heritage assets. They also sent me an “*Annex A to the Neighbourhood Plan*” document, entitled “Local Heritage List”; this identified the Model Cottages in Clyst St George village as local assets. However, the Contents page of the Submission Version of the CSGNP, on which my examination is based, ends with the Glossary of Terms – Pages 35 & 36; the document does not include an Annex A. Therefore, it is uncertain as to exactly what is meant by “*local heritage assets*” in Policy CSG8. I am concerned that the policy is misleading and could prevent the achievement of sustainable development.

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<sup>4</sup> Areas of Outstanding Natural Beauty.

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- 4.19 In addition, Policy CSG8 does not have proper regard for the NPPF, section 12: Conserving and enhancing the historic environment, which emphasises the importance of the status of assets due to their special architectural or historic interest. The more important the asset, the greater weight should be given to the asset's conservation when assessing the impact of a development proposal. Therefore, the impact on a Grade 11\* or Grade 11 listed building has to be distinguished from the impact on a locally defined heritage asset, or a building which might be designated as important in a future local schedule. Policy CSG8 should be modified to ensure that the impact of any development proposal on heritage assets takes account of the asset's status in the hierarchy. The supporting text should be modified to mention the designated listed buildings in the Parish, as referenced in the Local Evidence Report. The Parish Council's latest e-mail of 25 June 2018 to the IPE office team confirmed that it had not yet consulted EDDC about its local list, and I have seen no evidence that such a list was subject to public consultation on the submitted Plan at the Regulation 16 stage. Policy CS8 and the supporting text should acknowledge that work on compiling a local list is underway but not complete. **PM8** should be made to clarify this and have regard for the NPPF, so that the Plan meets the Basic Conditions.
- 4.20 Policy CSG9: Design Matters sets out clear requirements for new development. I consider that it has regard for the NPPF's paragraph 56 stating that the Government attaches great importance to the design of the built environment, and is in general conformity with Strategy 48 of the Local Plan: Local distinctiveness in the built environment. The first sentence requires development proposals to provide an assessment of the character of the site and its context "where appropriate". However, this context is not explained in the supporting text which should be expanded to ensure that some sustainable development proposals, especially small ones, are not rendered undeliverable by the need to produce a character assessment (see paragraph 173 of the NPPF). Regard also needs to be had for paragraph 60 of the NPPF which supports the reinforcement of local distinctiveness but warns against imposing architectural styles and tastes whilst stifling innovation.
- 4.21 I therefore recommend that a new sentence is added at the beginning of paragraph 9.13 to explain the meaning of "where appropriate". **PM9** should be made so that due regard is had to the NPPF and so that the Plan contributes to the achievement of sustainable development.
- 4.22 On the broader question of housing development, the Overview at the front of section 9 of the CSGNP explains that earlier housing developments have mostly been small scale, adding about 30 new dwellings to Ebford in the last 20 years. The latest development of 25 new homes in Clyst St George is described as the largest ever built in the Parish, and paragraph 9.6 states that permission for it was not welcomed

locally. It should be noted that the NPPF is based on a presumption in favour of sustainable development and advises local planning authorities, in paragraph 47, to boost significantly the supply of housing. The inability of many young people to afford a home of their own, and a shortage of new housing to meet demand and need, are ongoing problems throughout the country. East Devon Local Plan seeks to provide more than 17,000 new homes by 2031 to meet the projected local need. Clyst St George is readily accessible, especially by car, to Exeter, Exmouth and the M5 motorway, and it has a delightful setting in the countryside relatively close to the coast. It is undoubtedly an attractive place to live, and I suspect that the 25 new dwellings in the settlement will provide good homes for future occupiers.

- 4.23 Paragraph 69 of the NPPF seeks to promote healthy communities, facilitating social interaction and inclusivity. I am concerned that the tone of paragraphs 9.6 and 9.7 does not have regard for this approach, and could be read as unwelcoming for future occupiers of the new houses in Clyst St George. It is correct, that East Devon Local Plan and the emerging Villages Plan do not plan for significant new housing development in the Parish, and I agree that the CSGNP need not allocate new sites for development. In addition, with the designated Green Wedge, Coastal Preservation Area, as well as the presence of areas at risk of flooding, and poor access by transport modes other than the private car, there are robust reasons why Clyst St George should not accommodate more larger developments in the timeframe of this Plan. Nevertheless, I put forward modifications to the text of paragraph 9.6 (**PM10**), which is necessary having regard for paragraph 60 of the NPPF.
- 4.24 Policies CSG10, 11 and 12 concern Community Spaces and Recreation, with the introductory text explaining that these are in short supply in the Parish. Clyst St George with its cricket club, school, pre-school, village hall and church contains all the Parish's community facilities, excluding the cycling and walking routes which are more wide-reaching. Policy CSG10 has regard for paragraph 70 of the NPPF which indicates that planning policies should guard against the unnecessary loss of valued community facilities and services. Policy CSG10 would only support redevelopment or a change of use where, among other things, there would be no reasonable prospect of viable continued use. The first criterion in Policy CSG11 makes a similar requirement of existing sports facilities.
- 4.25 In order to avoid uncertainty as to how these policies would be applied, I consider that the supporting text should include a reference to Strategy 32 of the East Devon Local Plan. This would remind users of the CSGNP that options for retention of the site or premises for its current use would have to be explored for at least 12 months (and potentially 2 years) without success, before the present use could be ended. EDDC also



proposed amendments to Policy CSG11 so that it would be more resilient to the loss of sports and recreation facilities, which I support. **PM11** to modify Policy CSG11 and paragraph 10.8 should be made to help achieve sustainable development, to secure general conformity with the Local Plan and strengthen the effectiveness of Policies CSG10 and CSG11.

- 4.26 I strongly support Policy CSG13 to improve accessibility by modes other than the car, to extend local footpaths, bridleways and cycle paths and improve connectivity. It is in general conformity with Policy TC4 of the Local Plan, has full regard for the NPPF and should contribute to the achievement of sustainable development. As long as PMs 8 to 11 are all made, I conclude that the Plan's policies for the Built Environment and Housing, Community Spaces and Recreation will meet the Basic Conditions for neighbourhood planning.

#### *Traffic and Parking*

- 4.27 The theme of Policy CSG13 is continued in section 11 of the CSGNP. My site visit confirmed the Overview of the Parish given on Page 28 beginning "*The Parish of Clyst St George is defined by the motor car*". I wholly endorse the Aims to improve and extend cycleways, improve pedestrian safety, encourage increased public transport use, reduce traffic impact and address parking issues in the timescale of the Plan. Policies CSG14, CSG15 and CSG16 are in general conformity with Strategy 5B: Sustainable Transport in the Local Plan and have regard for section 4 of the NPPF. No modifications are needed.
- 4.28 On-road parking is perceived to be a problem in the Parish, especially along Ebford Lane and on many narrow lanes. Devon & Somerset Fire and Rescue Service HQ is located in the Parish, and it requests that emergency access is considered when new developments are proposed. Paragraph 11.18 of the Plan advises that the Fire and Rescue Service would like to see 4 metre wide roads without parked cars, alerting potential developers to the requirements of the emergency services. Other parties including EDDC pointed out that the parking standards for new development set out in Policy CSG17 are not in general conformity with Policy TC9 of the Local Plan. That policy states, as a guide, at least 1 space should be provided for 1 bedroom homes and 2 spaces for larger homes; at least 1 bicycle parking space should be provided per home. The aim to exclude domestic garages when calculating parking space numbers is described by EDDC as contrary to national policy.
- 4.29 I accept that Policy CSG17 is not in general conformity with the Local Plan, and could confuse prospective developers. The second part of the policy should be omitted and readers should be referred to the standards set out in the Local Plan. It seems to me that road markings which prohibit on-street parking should be used if there are problems associated

with safety and access especially for emergency vehicles. This would be a matter for the highway authority. **PM12** with modifications to Policy CSG17 and the supporting text should be made to achieve general conformity with the Local Plan. EDDC also proposed a modification to the wording of Policy CSG18: Match-Day Parking so that it will recognise the need for safety of sustainable transport users. I support **PM13** to modify Policy CSG18. I conclude that the CSGNP section on Traffic and Parking will meet the Basic Conditions, providing that both the above proposed modifications are made.

### *Business and Jobs*

- 4.30 Section 12 of the CSGNP sets out clearly the presence of employment concentrations on business parks in the Parish, and takes a positive approach to their future retention and growth. Policy CSG20 to support the enhancement of digital communication indicates a forward-looking policy, which I support. Section 12 has proper regard for section 1 of the NPPF: Building a strong prosperous economy, and paragraph 48 Supporting a prosperous rural economy. The criteria in Policy CSG19 should assist potential developers to achieve sustainable development.
- 4.31 EDDC suggested the addition of two more criteria: to promote access on foot or bicycle, and to reduce flooding and improve water quality in main rivers. Having regard for Highways England's Regulation 16 response, which drew attention to congestion at peak times at Junction 30 of the M5 and the need for employment development proposals to include a suitable assessment of traffic impact and mitigation measures in accordance with DfT Circular 02/2013, I agree with the first proposed amendment. Also, in view of the local risk of flooding along the Clyst River, and the sensitivity of the Exe Estuary (Ramsar, SSSI and SPA), I support the second proposed amendment. In order to contribute to the achievement of sustainable development, **PM14** should be made. Then, I conclude that section 12 will meet the Basic Conditions for neighbourhood planning.

### *Monitoring*

- 4.32 I fully support section 13 which addresses monitoring of the Plan, even though there is no statutory requirement to do so<sup>5</sup>. Monitoring the effectiveness and relevance of the Plan over the plan period to 2031, and reviewing it when circumstances change, should contribute to the future achievement of sustainable development. It is wholly in line with best planning practice. I recommend one small modification, **PM15**, to refer to District planning policies as well as national and county-wide ones, to ensure that regard is had to national policy and the Basic Conditions are met.

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<sup>5</sup> PPG Reference ID: 41-084-20180222.

## 5. Conclusions

### *Summary*

- 5.1 The CSGNP has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.
- 5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

### *The Referendum and its Area*

- 5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The CSGNP as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated neighbourhood plan boundary, requiring the referendum to extend to areas beyond the plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated neighbourhood plan area.

### *Overview*

- 5.4 I congratulate the Parish Council and Steering Group for producing a succinct but wide-ranging Plan which addresses issues raised by the local community and stakeholders that will be important for the future wellbeing of the Parish. The Consultation Statement informs that it was March 2013 when the Parish Council first agreed to prepare a neighbourhood plan. I appreciate that local volunteers will have worked hard on production of the submitted Plan for more than five years in total. The submitted Plan with the modifications I have proposed should provide a most useful tool for the EDDC when it deals with planning applications and takes development management decisions. With the CSGNP in place, future development in the Parish should be in accordance with good sustainability principles and the ambitions of the local community.

*Jill Kingaby*

Examiner

## Appendix: Modifications

Proposed modification number (PM)	Page no./ other reference	Modification
PM1	Page 5	<p>2.7 The Parish of St George is south east of Exeter <b>and east of</b> (Topsham). <del>Where it</del> <b>It</b> is bounded by the M5 motorway. The Parish is bisected by the A376 <b>which extends</b> between Exeter and Exmouth, <del>the largest town in Devon,</del> <b>and Exmouth.</b></p> <p>2.8 The River Clyst forms part of our <b>Parish's western</b> boundary ...the Parish. <del>The</del> <b>The</b> river and Grindle ..... with Exeter. <del>This</del> <b>This</b> area is known as Clyst Road ....</p> <p>2.10 2<sup>nd</sup> sentence            ...designated as a County Wildlife Area <b>Site</b></p> <p>Add a new map or diagram to illustrate the location of: edge of Exeter nearest Clyst St George, Topsham, Clyst St Mary, River Clyst, Grindle Brook, A376, M5, settlements of Clyst St George, Ebford and Clyst Road; Village hall, St George's Church, Lady Seaward Primary School, Blue Ball Inn, Clyst Works Business Park, St George &amp; Dragon Inn and Dart's Farm shop; County Wildlife Site.</p>
PM2	Page 6	<p>2.15 In recent years, the Parish has been inundated with <b>the subject of many</b> planning applications. We welcome ....(Strategy 7). <b>In addition, the Local Plan identifies land adjoining the Exe estuary and West of the A376 North of Lympstone to the Royal Marines site and North of Exton to Marsh Barton as Green Wedge, where development will not be permitted which would damage the identity of a settlement or encourage settlement coalescence (Strategy 8).</b></p> <p>2.16 <del>Dealing with</del> <b>Recent</b> house building <b>has generated local concerns which</b></p>

		<del>has been a recurring problem for</del> <b>have been raised with</b> <del>the Parish Council.</del> Developers have ....
PM3	Page 12	7.2 The physical constraints ...as part of the 'Coastal Protection Zone' ...  Map 2 Enlarge the Key so that it is readable in printed form.
PM4	Page 15	7.15 Flooding .....during periods of heavy rain <del>that is thought to have been made worse because of recent developments.</del>
PM5	Page 17	Natural Environment  <i>Delete Objective 1 and substitute:</i>  <b>New development proposals should be:</b> <ul style="list-style-type: none"> <li>• <b>based on full assessment of any likely impact on the natural environment,</b></li> <li>• <b>minimise potentially harmful impacts on biodiversity and geodiversity, having regard for the status of sites of international, national and county ecological significance which are shown on Map 5, and</b></li> <li>• <b>achieve a net gain in biodiversity wherever possible.</b></li> </ul>
PM6	Page 19	Policy No. CSG5 Development Outside the Settlement Areas  Development proposals ... harming the countryside. Such development proposals should <del>be shown to be making</del> <b>make</b> a positive ...public.  Development proposals will not be supported that result in the <b>net</b> loss of.....  ii. important views <del>from the settlement areas;</del> ...

		<p>iv. <b>biodiversity features</b></p> <p><del>iv.v.</del> higher grade agricultural land;</p> <p><del>v.</del> <b>vi.</b> damage to .....</p> <p>8.12 We are not opposed to all development outside the settlement areas. <b>The three main settlement areas as described in paragraph 2.9 of this Plan are shown indicatively on the map on Page 3 of the Clyst St George Parish Design Statement, adopted by the Parish Council in March 2018. Policy CSG5 will apply to all the land which is outside the built up areas of these settlements.</b> Local Plan Policy S7 .....</p>
PM7	Pages 20 & 21	<p>Policy No. CSG6 Protection of Trees and Woodlands</p> <p>Development proposals should ... positively to the character, <del>and</del> <b>biodiversity and amenity</b> of the area. <b>Development proposals which could result in loss or damage to aged or veteran trees will not be supported.</b> Where it is unavoidable, ... on the site, <b>together or as close as possible to it</b> together with a method ....that planting. <b>Such replacement planting should be in the ratio of three trees for the loss of a large tree, two for a medium sized tree and one for a small tree.</b></p> <p>New development .....</p> <p>Policy No. CSG7 <b>The loss of hedgerows with visual, historic or wildlife importance will be resisted.</b> Existing .....the Parish. Sections of hedgerow <del>...development sites.</del> Where such measures are <del>Where</del> <b>loss of hedgerows is</b> unavoidable, <del>required for development to be acceptable,</del> they <b>replacement planting</b> should include the use of native hedgerow species <b>to achieve a net gain in quantity will be</b> wherever planting is required.</p>

		New hedgerows ...
PM8	Page 23	<p>Policy No. CSG8 Local Heritage Assets</p> <p>Development proposals .....heritage asset.</p> <p>Development proposals that affect a heritage asset must demonstrate....building or structure <b>might cause substantial harm to listed buildings, registered parks or gardens, or their settings will not be supported.</b></p> <p>Any renovations or alterations of buildings or structures identified <b>designated</b> as heritage assets .... interest and setting.</p> <p>Development proposals in proximity to a <b>designated</b> heritage asset ...</p> <p>9.9 Policy CSG8 is intended to provide an appropriate level of protection for the non-statutory heritage assets .... <b>The Local Evidence Report, 2015, identifies the Listed Buildings (Grade II* and Grade II) and structures which exist in the Parish.</b></p> <p>9.10 The NPPF ... The Parish Church, the Old Rectory and the Manor House are probably the stand-out grade II listed buildings. Although several humbler <b>Other</b> buildings ...also listed i.e. on the Statutory.....</p> <p>Add to the end of 9.11</p> <p><b>Based on criteria set by EDDC, the Parish Council is compiling a local list of heritage assets.</b></p> <p>9.12 It is hoped ....been created. <b>Then, the significance of the non-designated asset will be taken into account when planning applications are determined, in accordance with the NPPF (para. 135).</b></p>
PM9	Page 24	9.13 <b>An assessment of site character and context will be sought for all</b>

		<b>larger development proposals ie. between 6 and 25 dwellings or for any new business uses, and for smaller developments which could have a significant adverse effect on the surrounding area eg. on the natural environment, the form and scale of existing development, heritage assets, the amenity and function of neighbouring uses, local transport infrastructure and/or flood risk.</b> The NPPF (para. 56) ....
PM10	Page 22	9.6 The latest development to take place .....in the village by 65% ;. despite parishioners .....four are 'affordable'.
PM11	Page 26	10.8 Add the following sentence to the end:  <b>Policy S32 of the EDDC Local Plan will be applied, requiring a full exploration of options for retention or replacement with a similar use, if proposals which would lead to the loss of existing community facilities or sports and recreation facilities are put forward.</b>  Policy No. CSG11 Existing Sports and Recreation-Facilities  Development which would result in the loss of any existing sports <b>or recreation</b> facility to a non-sport <b>or non recreation</b> ...
PM12	Page 30	Policy No. CSG17 Parking Standards for New Development  Development must ....  For residential development ....counted as a parking space.  Permeable materials ....  11.19 The East Devon ...two spaces for larger dwellings is, with such high ....insufficient. <b>must be adhered to.</b> Any new development ...



		11.20 <i>Delete</i>
PM13	Page 31	Policy No. CSG18 Match-Day Parking Development proposals ...reducing the parking and traffic <del>problems</del> .. community <b>and enhance the safety of pedestrians and cyclists</b> , will be supported.
PM14	Page 32	Policy No. CSG19 Business Development Business development on ..... v. safeguard residential amenity and road safety <b>vi. promote access on foot or by bicycle; and</b> <b>vii. reduce flooding and improve water quality in main rivers.</b>
PM15	Page 35	13.3 A full or partial review ... national, <b>district</b> or county-wide planning policies .....