

EAST DEVON DISTRICT COUNCIL

CLYST ST GEORGE NEIGHBOURHOOD PLAN DECISION STATEMENT

1. Summary

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

2. Background

- 2.1 On 11 March 2015, East Devon District Council designated the area comprising the Parish of Clyst St George 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 Clyst St George Neighbourhood Plan to the Council, the plan was publicised and representations were invited. The publicity period ended on 4 May 2018.
- 2.4 East Devon District Council appointed an independent Examiner, Jill Kingaby, to recommend 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 referendum.

3. Decision and Reasons

- 3.1 The District Council has made the following modifications, to secure that the draft plan meets the basic conditions set out in legislation, for the reasons given:

Examiner's Reason for Change	Recommended change
<p>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 "<i>the largest town in Devon</i>". 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.</p>	<p>PM1 / p5</p> <p>2.7 The Parish of St George is south east of Exeter and east of (Topsham). Where it is bounded by the M5 motorway. The Parish is bisected by the A376 which extends between Exeter and Exmouth, the largest town in Devon, and Exmouth.</p> <p>2.8 The River Clyst forms part of our Parish's western boundary ...the Parish. The river and Grindle with Exeter. This area is known as Clyst Road</p> <p>2.10 2nd sentence ...designated as a County Wildlife Area Site</p> <p>Add a new map or diagram to illustrate the location of: edge of</p>

	<p>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 & Dragon Inn and Dart’s Farm shop; County Wildlife Site.</p>
<p>Paragraph 2.16 states <i>“Dealing with house building has been a recurring problem for the Parish Council.”</i> 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.</p>	<p>PM2 / Page 6</p> <p>2.15 In recent years, the Parish has been inundated with the subject of many planning applications. We welcome(Strategy 7). <i>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).</i></p> <p>2.16 Dealing with Recent house building has generated local concerns which have been raised with has been a recurring problem for the Parish Council. Developers have</p>
<p>I support the Overview on Page 12 of the Plan which succinctly summarises the constraints on development in the Parish. In paragraph 7.2, <i>“Coastal”</i> should be modified to read <i>“Coastal”</i> 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.</p>	<p>PM3 / Page 12</p> <p>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.</p>
<p>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</p>	<p>PM4</p> <p>7.15 Floodingduring periods of heavy rain that is thought to have been made worse because of recent developments.</p>

<p>modified as in PM4. This is necessary to help achieve sustainable development.</p>	
<p>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.</p> <p>The first objective of section 8 should be modified, in my view, to ensure that any new development proposals:</p> <ul style="list-style-type: none"> • 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. <p>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.</p>	<p>PM5 / Page 17 Natural Environment <i>Delete Objective 1 and substitute:</i> New development proposals should be:</p> <ul style="list-style-type: none"> • 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.
<p>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.</p>	<p>PM6 / P19 Policy No. CSG5 Development Outside the Settlement Areas</p> <p>Development proposals ... harming the countryside. Such development proposals should be shown to be making make a positive ...public.</p> <p>Development proposals will not be supported that result in the net loss of.....</p> <p>ii. important views from the settlement areas; ...</p> <p>iv. biodiversity features</p> <p>iv.v. higher grade agricultural land;</p> <p>v. vi. damage to</p> <p>8.12 We are not opposed to all development outside the settlement areas. The three main settlement areas as described in paragraph 2.9 of this Plan are shown indicatively</p>

	<p><i>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.</i></p> <p>Local Plan Policy S7</p>
<p>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 AONBs⁴, 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.</p>	<p>PM7 / Pages 20 & 21</p> <p>Policy No. CSG6 Protection of Trees and Woodlands</p> <p>Development proposals should ... positively to the character, and biodiversity and amenity of the area. Development proposals which could result in loss or damage to aged or veteran trees will not be supported.</p> <p>Where it is unavoidable, ... on the site, together or as close as possible to it together with a methodthat planting. 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.</p> <p>New development</p> <p>Policy No. CSG7 The loss of hedgerows with visual, historic or wildlife importance will be resisted.</p> <p>Existingthe Parish. Sections of hedgerow ...development sites.</p> <p>Where such measures are Where loss of hedgerows is unavoidable, required for development to be acceptable, they replacement planting should include the use of native hedgerow species to achieve a net gain in quantity will be wherever planting is required.</p>
<p>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.</p>	<p>PM8 / p23</p> <p>Policy No. CSG8 Local Heritage Assets</p> <p>Development proposalsheritage asset.</p> <p>Development proposals that affect a heritage asset must demonstrate.....building or structure might cause substantial harm to listed buildings, registered parks or gardens, or their settings will not be supported.</p> <p>Any renovations or alterations of buildings or structures identified</p>

	<p><i>designated</i> as heritage assets interest and setting.</p> <p>Development proposals in proximity to a <i>designated</i> heritage asset ...</p> <p>9.9 Policy CSG8 is intended to provide an appropriate level of protection for the non- statutory heritage assets <i>The Local Evidence Report, 2015, identifies the Listed Buildings (Grade II* and Grade II) and structures which exist in the Parish.</i></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 <i>Other</i> buildings ...also listed i.e. on the Statutory.....</p> <p>Add to the end of 9.11 <i>Based on criteria set by EDDC, the Parish Council is compiling a local list of heritage assets.</i></p> <p>9.12 It is hopedbeen created. <i>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).</i></p>
<p>Policy CSG9: Design Matters sets out clear requirements for new development. 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.</p> <p>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.</p>	<p>PM9 / p24</p> <p>9.13 <i>An assessment of site character and context will be sought for all 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.</i> The NPPF (para. 56)</p>
<p>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</p>	<p>PM10 / Page 22</p> <p>9.6 The latest development to take placein the village by 65% ÷ .</p>

<p>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.</p>	<p>despite parishionersfour are 'affordable'.</p>
<p>In order to avoid uncertainty as to how these policies (CS10/CS11/CS12) 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.</p>	<p>PM11 / Page 26 10.8 Add the following sentence to the end: <i>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.</i> Policy No. CSG11 Existing Sports and Recreation Facilities Development which would result in the loss of any existing sports <i>or recreation</i> facility to a non-sport <i>or non recreation</i> ...</p>
<p>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. The second part policy CSG17 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.</p>	<p>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. <i>must be adhered to.</i> Any new development ... 11.20 <i>Delete</i></p>
<p>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.</p>	<p>PM13 Policy No. CSG18 Match-Day Parking Development proposals ...reducing the parking and traffic problems .. community <i>and enhance the safety of pedestrians and cyclists</i>, will be supported.</p>

<p>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.</p>	<p>PM14 / Page 32 Policy No. CSG19 Business Development Business development on v. safeguard residential amenity and road safety <i>vi. promote access on foot or by bicycle; and</i> <i>vii. reduce flooding and improve water quality in main rivers.</i></p>
<p>I fully support section 13 which addresses monitoring of the Plan, even though there is no statutory requirement to do so. 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.</p>	<p>PM15 / Page 35 13.3 A full or partial review ... national, <i>district</i> or county-wide planning policies</p>

- 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 Clyst St George to help determine planning applications in the neighbourhood area?' will be held in the Parish of Clyst St George.
- 3.4 The date on which the referendum will take place is agreed as 8 November 2018.