

## **Broadclyst Neighbourhood Development Plan**

### **Examiner's Clarification Note**

This Note sets out my initial comments on the submitted Plan. It also sets out areas where it would be helpful to have some further clarification. For the avoidance of any doubt, matters of clarification are entirely normal at this early stage of the examination process.

#### ***Initial Comments***

The Plan provides a clear vision for the neighbourhood area. The relationship between the vision, the aims, the objectives of the Plan and its policies is very clear. This approach provides a robust structure for the Plan.

The Plan is impressively underpinned by a series of supporting documents. The work on the Character Assessment (2019), the Design Code (2021), the Site Options Assessment (2019) and the Local Green Spaces assessment (2021) in particular is very impressive.

The Plan also takes a very comprehensive approach towards building design technology and towards promoting sustainable forms of travel. This approach will ensure that it addresses the sustainability agenda in general, whilst taking account of local circumstances in particular.

The presentation of the Plan is very good. The difference between the policies and the supporting text is very clear. The Plan makes good use of various maps which are produced to a high quality.

#### ***Points for Clarification***

I have read the submitted documents and the representations made to the Plan. I have also visited the neighbourhood area. I am now in a position to raise issues for clarification with the Parish Council. There is also a specific question for the District Council.

The comments made on the points in this Note will be used to assist in the preparation of the examination report and in recommending any modifications that may be necessary to the Plan to ensure that it meets the basic conditions.

I set out specific policy clarification points below for the Parish Council in the order in which the policies concerned appear in the submitted Plan:

#### ***Policy CF1***

On the one hand the policy is impressively detailed. On the other hand, it is potentially very prescriptive.

The final section of the policy anticipates a situation where the expected development does not come forward.

How has the Parish Council grappled with these tensions? Is it satisfied that the policy (and the anticipated development) as submitted is capable of delivery?

#### *Policy D1*

This is an excellent policy which is underpinned by the Design Code.

In the round, it is a first-class local response to Section 12 of the NPPF.

As submitted, the policy would have a universal effect. As such, many proposals of a minor or domestic nature would not directly impact on most of the detailed design considerations in the policy. To remedy this matter, I am minded to recommend that it is applied in a proportionate way taking account of the scale, nature and location of the development concerned.

Does the Parish Council have any observations on this proposition?

#### *Policy DH3*

This is another good policy.

The supporting text explains the reasoning behind the list of properties in the second part of the policy. However, as submitted, the second part of the policy is supporting text rather than policy (unless there are specific and costed proposals for the restoration of the four buildings/structures concerned). In all the circumstances I am minded to recommend that this part of the policy is deleted and repositioned into the supporting text.

Does the Parish Council have any observations on this proposition?

#### *Policy DC1*

This policy takes a positive approach towards energy efficient buildings. It takes account of Section 14 of the NPPF.

However, I am minded to recommend that the Passivhaus criteria at the end of the policy are relocated to the supporting text. They are detailed matters rather than policies in their own right.

Does the Parish Council have any observations on this proposition?

#### *Policy DC2*

In my view the energy hierarchy is supporting text and not policy.

As such I am minded to recommend that this part of the policy is deleted and relocated to the supporting text.

Does the Parish Council have any observations on this proposition?

#### *Policy DC4*

In my view the policy is a mixture of policy and supporting text.

As such I am minded to recommend that the first two paragraphs of the policy are retained and that the remainder is deleted and relocated to the supporting text

Does the Parish Council have any observations on this proposition?

#### *Policy EC1*

I looked at the site carefully during my visit.

In respect of the first element of the second part of the policy does the Parish Council have any views about the phasing of the conversion of the listed house in relation to the development of the commercial uses listed in the first part of the policy?

I can see the relationship between the third element of the second part of the policy and the supporting text. However, given that farming practices are not directly controlled by the planning acts, is this part of the policy either necessary or capable of being implemented through the development management process?

#### *Policy EC2*

I looked at the site carefully during my visit together with its proximity to the new houses to the south of the railway line.

Given the safety concerns raised by the District Council and Network Rail about the potential increase in vehicular use of the railway crossing, should this matter have been properly considered and assessed before the policy was finalised rather than being addressed in criterion 3 of the policy in a potentially reactive fashion?

How does the Parish Council respond to Network Rail's comments that 'no additional traffic will be acceptable without an upgrade being provided for Crannaforde level crossing'?

#### *Policy H1*

I looked at the site carefully during my recent visit.

The principle of the proposed development is appropriate.

The policy proposes that access is achieved from London Road. Has the Parish Council tested that such an access is both practicable and safe given the gradient of London Road, the 40mph limit, the existing pedestrian crossing and the bus stops on either side of the road?

#### *Policy H2*

I looked at the site carefully during my recent visit.

The principle of the proposed development is appropriate.

The proposed development of the site has a low yield given the size of the site. Does this have regard to the NPPF's comments (paragraph 60) about boosting the supply of homes?

I am minded to recommend that the final paragraph of the policy (on viability) is deleted and relocated to the supporting text. It is a note of explanation rather than a policy in its own right.

Does the Parish Council have any observations on this proposition?

### *Policy H3*

I looked at the site carefully during my recent visit.

The principle of the proposed development is appropriate.

Is there a specific reason why the pedestrian access to the site (criterion 3) should be separate from the vehicular access (criterion 2)?

I can see the reasoning in the supporting text for the incorporation of a footpath within the site to the allotments. Is this intended to be an additional access route to the existing access from Station Road? Has the matter been discussed and agreed with the site owner? Is there a potential overlap between this matter and the terms of criterion 3 (on the separate pedestrian access)?

The houses on the northern side of Sanders Close are immediately adjacent to the southern boundary of the proposed site. I am minded to recommend the inclusion of an additional criterion in the policy on safeguarding existing residential amenities.

Does the Parish Council have any observations on this proposition?

### *Policy H4*

The policy is commendably comprehensive.

I am minded to recommend that the local connections allocations cascade is relocated to the supporting text. It describes how the affordable houses will be allocated rather than operating as a land use policy in its own right.

Does the Parish Council have any observations on this proposition?

### *Policy H5*

I am minded to recommend that the policy is modified so that it can be applied in a proportionate way. As submitted the policy would apply in a universal way which would be disproportionately onerous on proposals for one or two dwellings.

Does the Parish Council have any observations on this proposition?

### *Policy H6B*

Is there a specific reason for the three self-build houses threshold in Part B of the policy?

In any event, is it intended to be three houses in total or three houses in each of the four identified settlements?

Would proposals which responded positively to Part C of the policy also need to comply with either Part A or part B of the policy (based on their locations)?

*Policy H7*

I am minded to recommend that the second part of the policy is deleted and repositioned to the supporting text given that it simply defines a live-work unit rather than operating as a policy in its own right.

Does the Parish Council have any observations on this proposition?

*Policy T1*

I can see the thinking behind the policy. I saw first-hand the challenges in achieving access between Broadclyst and Broadclyst Station.

However, as I read the policy, it suggests that unspecified development proposals will be supported which include or contribute towards safe pedestrian and cycle access.

Was this the intention of the policy? If so, has the Parish Council assessed the potential unintended consequences of the implementation of the policy?

In a broader sense, are there any emerging public sector proposals which would achieve the ambitions of the policy?

*Policy T2*

The same comments apply to this policy as to Policy T1

In addition, as paragraph 4 of the supporting text comments, the costs of a bridge over a railway line would be significant. As such, is this policy deliverable as currently configured?

*Policy T4*

Plainly the policy is both ambitious and extensive.

However, is it capable of delivery through the development management system?

*Policy T5*

The same comments apply to this policy as to Policy T4.

*Policy NE1*

The policy is extensive and is underpinned by good supporting text.

I am minded to recommend that the order of the policy is changed so that the parts read as C-A-B rather than A-B-C as submitted.

Does the Parish Council have any observations on this proposition?

*Policy NE2*

The second part of the policy on local features reads well.

However, the first part of the policy reads as a general statement rather than as a land use policy. Please can the Parish Council expand on its thinking on this part of the policy?

*Policy NE3*

The policy is very comprehensive.

Nevertheless, does it bring any parish-level added value beyond that in national and local planning policies?

*Policy NE4*

Does the policy bring any parish-level added value beyond that in national and local planning policies?

*Policy NE5*

What is the purpose of the final paragraph of the policy?

*Policy NE6*

I looked at the proposed local green spaces (LGS) carefully during the visit. Their designation is underpinned by the relevant appendix.

I will be recommending the deletion of the final paragraph of the policy. LGSs need to be designated based on factual information at the time a Plan is being prepared. Any additional proposed LGS will need to be appraised and proposed as and when any 'made' Plan is reviewed.

***Question for the District Council***

Is work on the emerging Local Plan proceeding to the timetable set out in the published Local Development Scheme (April 2022)?

***Representations***

Does the Parish Council wish to comment on any of the representations made to the Plan?

In particular, does it wish to comment on the representations made by:

- Hallam Land Management/Taylor Wimpey
- Hallam Land Management/Taylor Wimpey/Persimmon Homes
- Devon County Council (Highways)
- East Devon District Council
- National Trust
- Network Rail
- Richard Holman
- FWS Carter and Sons
- G&S Tannock

***Protocol for responses***

I would be grateful for responses and the information requested by 7 November 2022. Please let me know if this timetable may be challenging to achieve. It is intended to maintain the momentum of the examination.

In the event that certain responses are available before others, I would be happy to receive the information on a piecemeal basis. Irrespective of how the information is assembled, please could it come to me directly from the District Council. In addition, please can all responses make direct reference to the policy or the matter concerned.

Andrew Ashcroft

Independent Examiner

Broadclyst Neighbourhood Development Plan.

11 October 2022