

## Broadclyst Neighbourhood Development Plan

### Examiner's Clarification Note

**Please note that the Broadclyst Neighbourhood Plan Steering Group (SG) responses are in red below.**

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 Steering Group is in agreement that this policy is prescriptive. The prescriptive level of detail was the result of responding to Reg 14 statutory agency feedback and to align the site is within the Clyst Valley Regional Park and needs to address its objectives.**

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?

**The Steering Group (SG) is aware that the development is dependent on External Funding. We are already in discussions with Sport England regarding this funding, who have indicated**

that our Parish represents their preferred location for a development of this type to be delivered. The SG have taken into accounts residents views which is why we are now limited to only one potential site.

The SG are also acutely aware that without such funding this development is highly unlikely to be realised. However, to future proof this policy and to support the level of evidence and community support for such a specific community facility in the Parish, land coming forward in the future which could accommodate and/ or facilitate such a community facility has been built into the policy to maximise the likelihood that the policy will be delivered

#### *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?

**The SG is already using this policy to help shape the feedback we provide for reasonably small-scale planning applications, such as single dwelling applications.**

**If you add a clause to say that this policy needs to be applied proportionately it actually weakens the policy . It brings into arguing about what is and is not proportional. We are not in favour of this change as we feel it is working well for planning applications at a local level.**

#### *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?

**The SG supports 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?

**The SG supports 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?

**An energy hierarchy is required in this policy and is referred to in DC1. The SG think that the bullet point material can go into supporting text but must be cross referenced to in the policy by being put into a Table so that a table is cross referenced to.**

**For example**

**1. Implementation of the highly energy efficient designs such as those listed in Table DC1A to increase etc**

**2. One or more of the following innovative approaches in Table DC2A which .....**

**The SG think in each table an extra bullet point should be added to allow for new energy innovations, so as to future proof the policy.**

### *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?

**The SG are happy to move the section starting ‘Storage design to include’ and the following 6 examples into supporting text (maybe put into a table and cross referenced to again) However, the rest of the text are definitive policy statements and should remain.**

### *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?

**The SG do not feel that the phasing will have a major impact and therefore do not wish to stipulate an order of development.**

**The SG agree that part 3 could be moved from the policy to supporting text – the paragraph starting ‘3. To ensure development.’ Please be aware that this information was requested by EDDC.**

## 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 Crannaford level crossing'?

**The SG were aware of the likely concerns raised by the railway crossing and commissioned a traffic survey to ascertain traffic flows across the railway. This work was carried out prior to public consultation of the potential sites for the NP. The traffic data was collected in 2018 and is published in Appendix 11. It conflicts with the data supplied by Network Rail and utilised by EDDC at Reg 16.**

**Network Rail provided the following feedback:**

*"A 9 day camera census taken in April 2021 by Tracsis shows that an average of 1,200 vehicles and 2,300 pedestrians are using the crossing daily. We currently have a camera at the crossing and it is corroborating its heavy usage; this is far more than ever intended for what was a quiet, rural backroad. We cannot accept any increase in traffic over this crossing without mitigation. An upgraded to full protection should be provided before any further developments are made."*

**The SG have requested for confirmation from NR as to which crossing this data is for.**

**The new data is in stark contrast to those provided by NR in the reg 14 response (Cannaford level crossing: The usage of the crossing has increased from 89 vehicles to 378 per day) The Broadclyst survey recorded 322 vehicles in 2018.**

**If the data for Crannaford crossing is correct, it would mean that nearly half the population of Cranbrook town will be walking across this crossing daily which only leads to a rural area with no facilities. The data provided in Appendix 7 by Network Rail shows levels of 2079 vehicles and 332 pedestrians at Pinhoe and the Tracsis data provided is therefore more likely to be for Pinhoe crossing rather than Crannaford. The SG therefore suggest that the data provided by NR is incorrect.**

**As until recently the site was used as a major agricultural retail outlet (Countrywide, and prior to that Town and Country Stores) we can already demonstrate that the EC2 development will not increase the historic use of the crossing. Furthermore, as the current actual use of the crossing is only a tiny fraction of that suggested by EDDC and Network Rail, we propose that the crossing is more than capable of coping with the modest increase that EC2 would create.**

**The SG believe that the alteration of an existing commercial site should not trigger the burden of financing and or creating an upgrade of this crossing. An increase on this crossing will be proportionate to the ongoing growth of Cranbrook not to the growth of this site. This proportionality is supported by David Lock Reg 16 response (developers of Cranbrook town) who do not feel there is a need for "potential crossing improvements when no evidence demonstrates the need for such improvements"**

### *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?

**The existing pedestrian crossing was installed to facilitate the Clyst Valley Trail, which the H1 policy seeks to incorporate.**

**The SG could update the policy to suggest safe vehicle access from Blackhorse Lane. However, please be aware that in the development of this site and the drafting of the policy that we were informed (EDDC) that Blackhorse Lane lane is a designated cycle path. Having said this, access onto this Lane for 5 houses has been accepted recently by EDDC**

**The gradient is not that steep at that location on either Blackhorse Lane or London Road. Previous planning applications, including one for multiple dwellings accessing London Road within 200m of this site have been supported by the Highways Authority within the past 12 months. Of note, the gradient of London Road at the site of this other application is very similar.**

### *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?

**This site is in a particularly rural part of the Parish which is likely to have significant high density development taking place in close proximity due to the Western expansion of Cranbrook. The consultation on this location provided feedback that residents did not wish to have any further high-density development at Broadclyst Station.**

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?

**Provision of onsite community facilities will affect viability. As this site is the only site in the NP providing such provision the aim for such a viability clause was to ensure that these were delivered. We request that the examiner rewords this so that this is in rather than out of the policy?**

### *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)?

**The SG envisage pedestrian access at both locations. The Policy specified an additional pedestrian access (Criterion 3) to create a more direct route (to both the housing and allotment / dog recreation area) which would also be separate from the vehicle junction.**

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?

**Yes it is.**

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)?

**This has been discussed and agreed with the site owner, who made a response at Reg 16. (Origins)**

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.

**The SG agrees with this point.**

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?

**The SG supports 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?

**The SG supports this proposition. Could you suggest a proportionate amendment?**

*Policy H6B*

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

**There was a need to minimise the impact on infill development on the listed rural locations. The SG agreed that a threshold of up to 3 properties per site would help to**

**safeguard this, but in the knowledge that not all sites could or would have that capacity. It was felt that capacity per site would be controlled by policy DC1 and Design code.**

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

**Please see our previous answer.**

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)?

**No - CLT and CLD are exception sites that can bring forward 100% affordable housing often for locals, so this was seen as standing outside A and B.**

#### *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?

**The SG would like the definition to be in the policy. EDDC asked us to define live work units as there is no district /national protocol for LW units. Most policies even at District level include a definition. We prefer that the definition is left in. Minimum is that the definition is tabled in the supporting text and cross referenced to in the policy.**

#### *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?

**The policy does intend to give unspecified development proposals support unless they already meet all other NP policy requirements. The SG would best describe this policy as, aspirational due to the cost and complexity of implementation. Happy for examiner to reword to ensure than unintended consequences are limited.**

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

**The SG are not aware of anything specific emerging to link Broadclyst to Broadclyst Station.**

#### *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?

**To deliver a 2-platform station at Cranbrook a bridge is going to be required. Furthermore, to develop the Lodge Trading estate without a bridge would be unsustainable and result in an isolated settlement without pedestrian links to facilities. Presently, the narrow road and bridge with a bend on it is navigated by pedestrians and**

**cyclists, and has resulted (although not involving pedestrians or cyclists) a number of collisions, damage to the bridge and the premises alongside. The SG are fully aware that this policy, like T1 is aspirational.**

#### *Policy T4*

Plainly the policy is both ambitious and extensive.

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

**Many of these routes are within the Clyst Valley regional Park Masterplan, which has been adopted by EDDC, and should therefore attract CIL revenues. The Map was designed with East Devon officers involved. The development of such routes were strongly defended by the community and it was felt that such active travel routes should be supported in a policy.**

#### *Policy T5*

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

**Our response is the similiar as T4 in that the development of this policy was strongly defended by the community and it was felt that such provision of low carbon travel shuld be included and supported in a policy.**

**T5 is about expansion of specifically electric and futuristic (hydrogen) installations and provisions (stations) to enable active travel to be supported going forward.**

#### *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?

**The SG support the change in order to CAB**

#### *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?

**The first part is very important and is to cover the much smaller un-named green corridors interspersed throughout our Parish.**

- 1. The first part needs to be re worded so that this does not read as a general statement. This re wording is critical as the purpose of part 1 is to ensure that commercial and residential developments do not damage green corridors which provide one or many of the 4 specified roles. After the bullet points it was considered that if green corridors were damaged, then there needed to be some guidelines hence the mitigation section. The SG would like the examiner to re write this first section so that it sits within a policy not out of it.**

#### *Policy NE3*

The policy is very comprehensive.

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

**This policy does provide parish level added value. There is no adoption of the Devon Formula being implemented by EDDC or Nationally. Residents indicated that maintaining and increasing the number of trees within our Parish was important. The policy was initially more substantial but was changed somewhat to make it achievable within local planning limits. Due to the strength of feedback from residents, the SG feel it is important to keep this policy within the plan.**

Policy NE4

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

**The first part does not provide added value but the second sentence does. This is specifically looking at hedgerow development being linked into wildlife sites.**

*Policy NE5*

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

**This paragraph could be removed.**

*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.

**The SG understand your rational and are happy for this paragraph to be moved to supporting text.**

**\*\*\*\*\*END OF RESPONSES\*\*\*\*\***

**The following section is responded via the two additional documents.**

**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 Home
- 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

