

# **Broadclyst Neighbourhood Development Plan 2021-2031**

**A report to East Devon District Council on the  
Broadclyst Neighbourhood Development Plan**

**Andrew Ashcroft  
Independent Examiner  
BA (Hons) M.A. DMS M.R.T.P.I.**

**Director – Andrew Ashcroft Planning Limited**

## **Executive Summary**

- 1 I was appointed by East Devon District Council in September 2022 to carry out the independent examination of the Broadclyst Neighbourhood Development Plan.
- 2 The examination was undertaken by written representations. I visited the neighbourhood area on 10 October 2022.
- 3 The Plan includes a range of policies and seeks to bring forward positive and sustainable development in the neighbourhood area. There is a very clear focus on safeguarding the character of the local landscape. It also proposes the allocation of three housing sites.
- 4 The Plan has been underpinned by community support and engagement. All sections of the community have been actively engaged in its preparation.
- 5 Subject to a series of recommended modifications set out in this report, I have concluded that the Broadclyst Neighbourhood Plan meets all the necessary legal requirements and should proceed to referendum.
- 6 I recommend that the referendum should be held within the neighbourhood area.

**Andrew Ashcroft**  
**Independent Examiner**  
**28 February 2023**

## 1 Introduction

- 1.1 This report sets out the findings of the independent examination of the Broadclyst Development Plan 2011-2031 (the 'Plan').
- 1.2 The Plan has been submitted to East Devon District Council (EDDC) by Broadclyst Parish Council (BPC) in its capacity as the qualifying body responsible for preparing the neighbourhood plan.
- 1.3 Neighbourhood plans were introduced into the planning process by the Localism Act 2011. They aim to allow local communities to take responsibility for guiding development in their area. This approach was subsequently embedded in the National Planning Policy Framework (NPPF) 2012 and its updates in 2018, 2019 and 2021. The NPPF continues to be the principal element of national planning policy.
- 1.4 The role of an independent examiner is clearly defined in the legislation. I have been appointed to examine whether the submitted Plan meets the basic conditions and Convention Rights and other statutory requirements. It is not within my remit to examine or to propose an alternative plan, or a potentially more sustainable plan except where this arises as a result of my recommended modifications to ensure that the plan meets the basic conditions and the other relevant requirements.
- 1.5 A neighbourhood plan can be narrow or broad in scope. Any plan can include whatever range of policies it sees as appropriate to its designated neighbourhood area. The submitted Plan has been designed to be distinctive in general terms, and to be complementary to the development plan. It has a clear focus on maintaining the character and appearance of the neighbourhood area and safeguarding its landscape setting. It proposes three housing allocations and three employment allocations.
- 1.6 Within the context set out above, this report assesses whether the Plan is legally compliant and meets the basic conditions that apply to neighbourhood plans. It also considers the content of the Plan and, where necessary, recommends changes to its policies and supporting text.
- 1.7 This report also provides a recommendation as to whether the Plan should proceed to referendum. If this is the case and that referendum results in a positive outcome the Plan would then be used to determine planning applications within the neighbourhood area and will sit as part of the wider development plan.

## **2 The Role of the Independent Examiner**

- 2.1 The examiner's role is to ensure that any submitted neighbourhood plan meets the relevant legislative and procedural requirements.
- 2.2 I was appointed by EDDC, with the consent of BPC, to conduct the examination of the Plan and to prepare this report. I am independent of both EDDC and BPC. I do not have any interest in any land that may be affected by the Plan.
- 2.3 I possess the appropriate qualifications and experience to undertake this role. I am a Director of Andrew Ashcroft Planning Limited. In previous roles, I have over 35 years' experience in various local authorities at either Head of Planning or Service Director level. I am a chartered town planner and have significant experience of undertaking other neighbourhood plan examinations and health checks. I am a member of the Royal Town Planning Institute and the Neighbourhood Planning Independent Examiner Referral Service.

### *Examination Outcomes*

- 2.4 In my role as the independent examiner of the Plan I am required to recommend one of the following outcomes of the examination:
- (a) that the Plan as submitted proceeds to a referendum; or
  - (b) that the Plan should proceed to referendum as modified (based on my recommendations); or
  - (c) that the Plan does not proceed to referendum on the basis that it does not meet the necessary legal requirements.
- 2.5 The outcome of the examination is set out in Sections 7 and 8 of this report.

### *Other examination matters*

- 2.6 In examining the Plan I am required to check whether:
- the policies relate to the development and use of land for a designated neighbourhood plan area; and
  - the Plan meets the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004 (the Plan must specify the period to which it has effect, must not include provision about development that is excluded development, and must not relate to more than one neighbourhood area); and
  - the Plan has been prepared for an area that has been designated under Section 61G of the Localism Act and has been developed and submitted for examination by a qualifying body.
- 2.7 I have addressed the matters identified in paragraph 2.6 of this report. I am satisfied that the submitted Plan complies with the three requirements.

### 3 Procedural Matters

3.1 I have considered the following documents during the examination:

- the submitted Plan;
- the Basic Conditions Statement;
- the Consultation Statement;
- the Strategic Environmental Assessment
- the HRA Screening Statement;
- the various appendices of the Plan;
- BPC's responses to the clarification note;
- EDDC's response to the clarification note;
- EDDC's update on planning approvals received during the examination
- the representations made to the Plan;
- the adopted East Devon Local Plan (2013-2031);
- the adopted Cranbrook Plan DPD (2013-2031);
- the National Planning Policy Framework (July 2021);
- Planning Practice Guidance; and
- relevant Ministerial Statements.

3.2 I visited the neighbourhood area on 10 October 2022. I looked at its overall character and appearance and at those areas affected by policies in the Plan in particular. The visit is covered in more detail in paragraphs 5.9 to 5.16 of this report.

3.3 It is a general rule that neighbourhood plan examinations should be held by written representations only. Having considered all the information before me, including the representations made to the submitted Plan, I was satisfied that the Plan could be examined without the need for a public hearing. In coming to this conclusion, I took account of the detailed nature of many of the comments made on the Plan and the level of detail in the Plan and its supporting documents. This level of detail gave me a useful and a comprehensive insight into the views which were made.

## 4 Consultation

### *Consultation Process*

- 4.1 Policies in made neighbourhood plans become the basis for local planning and development control decisions. As such the regulations require neighbourhood plans to be supported and underpinned by public consultation.
- 4.2 In accordance with the Neighbourhood Planning (General) Regulations 2012 BPC has prepared a Consultation Statement. The Statement sets out the mechanisms used to engage all concerned in the plan-making process. It also provides specific details about the consultation process that took place on the pre-submission version of the Plan (December 2020 to February 2021). It captures the key issues in a proportionate way and is then underpinned by more detailed appendices. It is a good example of a Consultation Statement.
- 4.3 The Statement sets out details of the comprehensive range of consultation events that were carried out in relation to the initial stages of the Plan. They included:
- the stall at the Fun Day (June 2014);
  - the article in the Broadsheet (Summer 2015)
  - the Community Survey (June 2016);
  - the article in the Broadsheet (Christmas 2016);
  - the Housing Needs Survey (January 2017);
  - the Call for Sites (June 2017);
  - the publication of the Vision Statement (Summer 2017); and
  - the widespread use of social media.
- 4.4 The Statement also provides details of the way in which BPC engaged with statutory bodies. I am satisfied that the process has been proportionate and robust.
- 4.5 Appendices S1 and T2 respectively of the Statement provides specific details on the comments received during the consultation process from statutory bodies and the wider community associated with the pre-submission version of the Plan. It identifies the principal changes that worked their way through into the submission version. This process helps to describe the evolution of the Plan.
- 4.6 I am satisfied that consultation has been an important element of the Plan's production. Advice on the neighbourhood planning process has been made

available to the community in a positive and direct way by those responsible for the Plan's preparation.

- 4.7 From all the evidence provided to me as part of the examination, I am satisfied that BPC sought to engage with residents, statutory bodies and the development industry as the Plan has been prepared.

#### *Representations Received*

- 4.8 Consultation on the submitted plan was undertaken by EDDC and ended on 8 September 2022. This exercise generated comments from the following organisations:

- East Devon District Council
- National Grid
- Devon County Council
- National Highways
- Environment Agency
- Historic England
- Natural England
- Network Rail
- Sport England
- Hallam Land Management and Taylor Wimpey
- Hallam Land Management, Taylor Wimpey, and Persimmon Homes
- National Trust
- Newton Poppleford and Harpford Neighbourhood Planning Group
- Burrington Estates
- RSPB
- FWS Carter and Sons

- 4.9 Several representations were also received from residents/local landowners.

- 4.10 I have taken account of the various representations as part of the examination of the Plan. Where it is appropriate to do so, I make specific reference to the individual representations in Section 7 of this report.

## 5 The Neighbourhood Area and the Development Plan Context

### *The Neighbourhood Area*

- 5.1 The neighbourhood area consists of the parish of Broadclyst. Its population in 2011 was 2962 persons living in 1218 houses. It was designated as a neighbourhood area on 20 July 2017. The neighbourhood area is located to the immediate east of the District's boundary with Exeter City.
- 5.2 The principal settlement in the neighbourhood area is Broadclyst Village. There are smaller settlements at Westclyst, Budlake and Beare along the B3181. The settlements of Columbjohn and Westwood are in the rural part of the parish. There are two further settlements at Broadclyst Station and Blackhorse both of which are in the south of the parish close to the former A30 road to London.
- 5.3 The Parish has an attractive rural setting and landscape character with most of the land (6400 acres) belonging to the Killerton Estate owned and run by the National Trust. The Estate consists of farmland and woodland, the popular visitor destination of Killerton House and Gardens, and a large portfolio of let properties, including the distinctive ochre cottages in Broadclyst village.

### *Development Plan Context*

- 5.4 The East Devon Local Plan 2011-2031 was adopted in January 2016. It sets out the basis for future development in the District. Policy Strategy 1 comments that planned provision (including existing commitments) will be made for a minimum of 17,100 new homes in the 2013 to 2031 period and for development on around 150 hectares of land for employment purposes. The overall spatial development approach is as follows:
- East Devon's West End will accommodate significant residential development and major employment development to attract strategic inward investment along with supporting infrastructure and community facilities;
  - The seven main towns of East Devon will form focal points for development to serve their own needs and the needs of surrounding rural areas; and
  - The Local Plan will set out how development in smaller towns, villages and rural areas will be geared to meeting local needs.
- 5.5 The neighbourhood area is heavily affected by the development of proposals for the East Devon West End in the Local Plan. As the Local Plan comments, large scale and strategic development at East Devon's West End (part of the Exeter and East Devon Growth Point along with land in Exeter City and Teignbridge) is now progressing. The Local Plan comments that the 'West End'

is not a defined policy area but is a term that refers to the group of schemes that provide for major strategic growth in the Western part of East Devon. Policy Strategy 2 reinforces the significance of the West End in terms of housing delivery. The delivery of 16400 dwellings across the District up to 2031 is heavily underpinned by the 10600 houses planned for the West End. Delivery of housing in the West End is itself significantly underpinned by the delivery of the new town at Cranbrook.

5.6 The following policies are particularly relevant to the Broadclyst Plan:

- Strategy 6 Development in Built-Up Area Boundaries
- Strategy 7 Development in the Countryside
- Strategy 9 Major Development at East Devon's West End
- Strategy 10 Green Infrastructure in East Devon's West End
- Strategy 11 Integrated transport and infrastructure provision
- Strategy 27 Development in small towns and larger villages

The Local Plan also includes an extensive suite of development management policies. Broadclyst is identified in the list of settlements in Policy Strategy 27. In this context communities can promote development other than that which is supported through the Local Plan. This approach involves the production of a Neighbourhood Plan or the promotion of community-led development. The Cranbrook Plan Development Plan Document was adopted in October 2022.

5.7 EDDC is preparing a new Local Plan that will in due course replace the existing Local Plan. The new plan is proposed to cover the period from 2020 to 2040. The Local Development Scheme anticipates that the Plan will be submitted for examination in early 2024.

5.8 The submitted neighbourhood plan has been prepared within its wider development plan context. In doing so it has relied on up-to-date information and research that has underpinned previous and existing planning policy documents in East Devon. This is good practice and reflects key elements in Planning Practice Guidance on this matter.

#### *Unaccompanied Visit*

5.9 I visited the neighbourhood area on 10 October 2022. I was fortunate in choosing a dry and sunny day. Throughout the visit I took the opportunity to look at the various villages and settlements.

5.10 I drove into the neighbourhood area along the B3181 from Cullompton the north. This gave me an initial impression of its setting and character in general, and the context of its wider setting in the countryside.

- 5.11 I looked initially at Beare Farm. I saw its relationship to the B3181 and the interesting and attractive range of buildings on the site complex.
- 5.12 I then looked at Broadclyst. I saw the heritage and character of the village and its association. I saw the relationship between the Red Lion PH and St Peter's Church. It remains unchanged from Pevsner's description. I then looked at the various proposed local green spaces in the village. Thereafter I walked to the southern edge of the village to look at the proposed recreation site (Policy CF1) and the proposed Heathfield Housing site (Policy H3). I then drove to the proposed Winter Gardens site (Policy EC3) to the north and east of the village.
- 5.13 I then drove to Broadclyst Station. I saw the proposed housing site between Shercroft Close and Cotterell Road. I also saw the nature of the local road network and the issues associated with crossing the railway line.
- 5.14 I took the opportunity to look at the proposed Blackhorse Gardens housing site. In doing so I saw the extensive distribution parks in and around this part of the parish.
- 5.15 I then looked at the ongoing development of the new town of Cranbrook. I saw its wider significance in the neighbourhood area. I drove along Crannaford Lane, over the railway line to the Crannaford site (Policy EC2). I saw the nature of the proposed site and its relationship with the railway crossing.
- 5.16 I left the neighbourhood area along the A30 travelling towards the east. This provided me with another indication of the way in which it connected with the strategic road network.

## 6 The Neighbourhood Plan and the Basic Conditions

6.1 This section of the report deals with the submitted neighbourhood plan as a whole and the extent to which it meets the basic conditions. The submitted Basic Conditions Statement has helped considerably in the preparation of this section of the report. It is a well-presented and informative document. It is also proportionate to the Plan itself.

6.2 As part of this process, I must consider whether the submitted Plan meets the Basic Conditions as set out in paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990. To comply with the basic conditions, the 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 in the area;
- be compatible with European Union (EU) obligations and European Convention on Human Rights (ECHR); and
- not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

6.3 I assess the Plan against the basic conditions under the following headings.

### *National Planning Policies and Guidance*

6.4 For the purposes of this examination the key elements of national policy relating to planning matters are set out in the National Planning Policy Framework (NPPF) issued in July 2021. Paragraph 3.4 of this report comments about the way in which the Basic Conditions Statement addresses the NPPF.

6.5 The NPPF sets out a range of core land-use planning issues to underpin both plan-making and decision-taking. The following are particularly relevant to the Broadclyst Neighbourhood Plan:

- a plan led system – in this case the relationship between the neighbourhood plan and the adopted East Devon Local Plan;
- delivering a sufficient supply of homes;
- building a strong, competitive economy;
- recognising the intrinsic character and beauty of the countryside and supporting thriving local communities;
- taking account of the different roles and characters of different areas;
- addressing the impact of climate change;

- highlighting the importance of high-quality design and good standards of amenity for all future occupants of land and buildings; and
- conserving heritage assets in a manner appropriate to their significance.

6.6 Neighbourhood plans sit within this wider context both generally, and within the more specific presumption in favour of sustainable development. Paragraph 13 of the NPPF indicates that neighbourhoods should both develop plans that support the strategic needs set out in local plans and plan positively to support local development that is outside the strategic elements of the development plan.

6.7 In addition to the NPPF, I have also taken account of other elements of national planning policy including Planning Practice Guidance and ministerial statements.

6.8 Having considered all the evidence and representations available as part of the examination, I am satisfied that the submitted Plan has had regard to national planning policies and guidance in general terms subject to the recommended modifications included in this report. It sets out a positive vision for the future of the neighbourhood area within the context of planned strategic development in the Local Plan. It allocates local sites for housing and employment purposes. The Basic Conditions Statement maps the policies in the Plan against the appropriate sections of the NPPF.

6.9 At a more practical level, the NPPF indicates that plans should provide a clear framework within which decisions on planning applications can be made and that they should give a clear indication of how a decision-maker should react to a development proposal (paragraph 16d). This matter is reinforced in Planning Practice Guidance. Paragraph ID:41-041-20140306 indicates that policies in neighbourhood plans should be drafted with sufficient clarity so that a decision-maker can apply them consistently and with confidence when determining planning applications. Policies should also be concise, precise, and supported by appropriate evidence.

6.10 As submitted the Plan does not fully accord with this range of practical issues. Many of my recommended modifications in Section 7 relate to matters of clarity and precision. They are designed to ensure that the Plan fully accords with national policy.

#### *Contributing to sustainable development*

6.11 There are clear overlaps between national policy and the way in which the submitted Plan contributes towards sustainable development. Sustainable development has three principal dimensions – economic, social, and

environmental. The submitted Plan has set out to achieve sustainable development in the neighbourhood area. In the economic dimension, the Plan includes policies for residential development (Policies H1-3) and for employment development (Policies EC1-3). In the social dimension, it includes policies on community facilities (Policies CF1 and 2) and to promote a range of house types and tenure (Policies H1-7). In the environmental dimension, the Plan positively seeks to protect its natural, built, and historic environment. It has specific policies on design (Policy D1), heritage assets (Policies DH1-3) and the natural environment (Policies NE1-7). BPC has undertaken its own assessment of this matter in the submitted Basic Conditions Statement.

*General conformity with the strategic policies in the development plan*

- 6.12 I have already commented in detail on the development plan context in East Devon in paragraphs 5.4 to 5.8 of this report.
- 6.13 I consider that the submitted Plan delivers a local dimension to this strategic context. The Basic Conditions Statement helpfully relates the Plan's policies to policies in the development plan. Subject to the recommended modifications in this report, I am satisfied that the submitted Plan is in general conformity with the strategic policies in the development plan.

*Strategic Environmental Assessment*

- 6.14 The Neighbourhood Plan General Regulations 2015 require a qualifying body either to submit an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004 or a statement of reasons why an environmental report is not required.
- 6.15 In order to comply with this requirement BPC commissioned a Strategic Environmental Assessment (SEA) to be prepared for the Plan. The assessment is thorough and well-constructed. It comments about the context of local support for small or medium scale development which would deliver a mix of housing types. It also comments about parallel support for the delivery of mixed-use development sites to deliver community uses and employment opportunities. The Assessment comments on the environmental issues surrounding the proposed allocation sites.
- 6.16 The SEA considers a series of reasonable alternatives to the strategy set out in the Plan. In doing so it relies heavily on earlier work undertaken by AECOM on the Site Assessment Report (August 2019).

### *Habitat Regulations Assessment*

6.17 A separate Habitats Regulations Assessment (HRA) of the Plan was also prepared in June 2022. The HRA report is both thorough and comprehensive. It takes appropriate account of the significance of the following protected sites:

- the Exe Estuary Ramsar site;
- the Exe Estuary SPA;
- the East Devon Pebblebed Heaths SAC;
- the East Devon Heaths SPA; and
- the Dawlish Warren Heath SAC.

6.18 The impact pathways considered during the screening process were recreational pressure, water quality, water quantity, level and flow and air pollution. Water quality, water quantity, level and flow and air pollution were screened out at this stage due to a lack of linking impact pathways. However recreational pressure could not be screened out at this stage and was therefore further addressed within the Appropriate Assessment.

6.19 The proposed residential site allocations were subject to Appropriate Assessment as they were located within 10km of the Exe Estuary international sites and / or the East Devon Heathland international sites and could result in adverse effects on the integrity of an international site in combination with other projects and plans. These were:

- Policy EM2: Regeneration of Elbury Farm (now deleted from the Neighbourhood Plan)
- Policy H1: Blackhorse gardens site allocation at Blackhorse
- Policy H2: Broadclyst Station: Site between Shercroft Close and Cotterell Road
- Policy H3: Broadclyst Village: Heathfield Site

6.20 Following Appropriate Assessment, it was concluded that, combined with the overarching East Devon Local Plan, the Broadclyst Neighbourhood Plan contains a sufficiently robust policy framework to ensure that no adverse effects on the integrity of international designated site will occur in isolation or in combination with other projects and plans. The wider process provides assurance to all concerned that the submitted Plan takes appropriate account of important ecological and biodiversity matters.

6.21 Having reviewed the information provided to me as part of the examination, I am satisfied that a proportionate process has been undertaken in accordance with the various regulations. In the absence of any evidence to the contrary, I am entirely satisfied that the submitted Plan is compatible with this aspect of the appropriate regulations.

### *Human Rights*

- 6.22 In a similar fashion I am satisfied that the submitted Plan has had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights (ECHR) and that it complies with the Human Rights Act. There is no evidence that has been submitted to me to suggest otherwise. In addition, there has been full and adequate opportunity for all interested parties to take part in the preparation of the Plan and to make their comments known. Based on all the evidence available to me, I conclude that the submitted Plan does not breach, nor is in any way incompatible with the ECHR.

### *Summary*

- 6.23 On the basis of my assessment of the Plan in this section of my report, I am satisfied that it meets the basic conditions subject to the incorporation of the recommended modifications contained in this report.

## 7 The Neighbourhood Plan policies

- 7.1 This section of the report comments on the policies in the Plan. It makes a series of recommended modifications to ensure that they have the necessary precision to meet the basic conditions.
- 7.2 The modifications focus on the policies themselves given that the basic conditions relate primarily to this aspect of neighbourhood plans. In some cases, I have also recommended modifications to the associated supporting text.
- 7.3 I am satisfied that the content and the form of the Plan is fit for purpose. It is distinctive and proportionate to the neighbourhood area. The wider community and BPC have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan. This sits at the heart of the localism agenda.
- 7.4 The Plan has been designed to reflect Planning Practice Guidance (ID:41-004-20190509) which indicates that neighbourhood plans must address the development and use of land.
- 7.5 I have addressed the policies in the order that they appear in the submitted plan. Where necessary I have identified the inter-relationships between the policies.
- 7.6 For clarity this section of the report comments on all the policies in the Plan.
- 7.7 Where modifications are recommended to policies they are highlighted in bold print. Any associated or free-standing changes to the text of the Plan are set out in italic print.

### *The initial section of the Plan*

- 7.8 The initial parts of the Plan set the scene for the range of policies. They do so in a proportionate way. The Plan is presented in an effective way. It makes good use of well-selected maps. A very clear distinction is made between the policies and the supporting text. It also highlights the links between the Plan's objectives and its resultant policies.
- 7.9 The Introduction addresses the background to neighbourhood planning. It comments about how the Plan has been prepared and how it will be used. It also includes a map of the neighbourhood area (Figure 3). It also explains how the neighbourhood plan process overlaps with the Local Plan process. In the round it is a very effective introduction to a neighbourhood plan.

7.10 The snapshot of Broadclyst provides a range of information about the neighbourhood area. Key elements of this analysis have underpinned the production of the Plan.

7.11 The initial sections of the Plan also comment about the Vision and the objectives of the Plan. The Vision is as follows:

*‘Our vision is for the parish to continue to develop and thrive, meeting the changing and diverse needs of our rapidly growing community and its responsibility to tackle national and global issues including climate change, whilst preserving and enhancing our distinctive character and landscape.’*

7.12 The Vision is then underpinned by a structured series of aims, objectives and policies. A series of tables show the aims, objectives, and policies and where relevant the community actions and projects. Each aim is broken down into one or more objectives which are evidenced in the policies of the Plan.

7.13 The remainder of this section of the report addresses each policy in turn in the context set out in paragraphs 7.5 to 7.7 of this report.

#### *Policy CF1 Community Sports Hub*

7.14 This is an important policy in the Plan. It identifies a site off the B3181 on the southern edge of Broadclyst village for a new community sports hub. The second part of the policy sets out a series of criteria for the development of the site.

7.15 The third part of the policy comments that if proposals for the site do not materialise within a specified time a suitable reserve site able to meet the criteria set out in the policy will be pursued.

7.16 The policy takes a positive approach to this matter. The supporting text comments about the collaborative way in which the project has been developed and promoted. The development of the facility will bring significant social benefits to the wider community. The broader package has been carefully developed over time. Applications for external funding will be the next stage in the process.

7.17 I recommend that the opening component of the policy is modified so that it clarifies that any proposals need to include the full package of measures which have been promoted by BPC and the organisations involved.

7.18 I also recommend modifications to the criteria so that they will have the clarity required by the NPPF. This will be particularly important to ensure that the scheme takes account of the local environment and any grant funding.

- 7.19 I recommend that the element of the policy about the pursuit of an alternative site should the scheme not come forward within a specified time is repositioned into the supporting text. It is a project management issue rather than a policy matter. In any event the criteria in the submitted policy will not necessarily relate to other sites.

**Replace ‘include the following’ with ‘include all of the following’**

**Replace the criteria with the following list (and renumber accordingly):**

**The provision of an Artificial Grass Pitch Hockey Plus surface or an equivalent surface that provides at least the same range of sporting activities;**

**Any external lighting required should minimise light pollution and with floodlighting times not extending beyond 22:00 and beyond the duration of training and pitch use;**

**The provision of a car park to allow for movement, turning and designated parking for coaches, minibuses, bicycles, cars, and the availability of electric charging points. The car park provided should include trees (one tree per every 7 parking spaces) to provide shade and enhance the appearance of buildings, sports pitch, and onsite net biodiversity gain. The planting and materials used should integrate with sustainable urban drainage components;**

**The community building should include changing rooms, toilets, kitchen, social/ café space, storage space and rooms for meetings, fitness /training area and offices (to include Parish Council office);**

**The provision of pedestrian and cycle access to the site which should include safe crossing with lights on the B3181 and an extension of the existing pavement from the bus stop and Dog village;**

**Land for the provision of a public path to the Broadclyst Community Farm (labelled Heathfield Farm in Fig 16) should be safeguarded for future access;**

**The delivery of the landscaping provisions (as indicated in Figures 17 and 18) should include the southern hedge boundary and part of the copse to be enhanced and protected, and a 2m new planted area along the school boundary except where access is required; and**

**Where it is practicable to do so, the scheme should utilise the roofs of the new buildings for the generation of on-site renewable energy.**

**Delete the third part of the policy.**

*Replace paragraph 5 of the Justification with:*

*‘The development of the overall package is not without a series of challenges. They will be carefully managed by the Parish Council. If proposals for the site identified in Policy CF1 do not materialise within three years of the granting of planning permission for the proposal the Parish Council will work with the relevant organisations to identify and promote a suitable reserve site. The Parish Council will make a judgement about the need or otherwise for the neighbourhood plan to be reviewed at that time to take account of these circumstances.’*

*Policy CF2 New and Enhanced Sport, Recreation and Community Facilities*

- 7.20 This policy comments that proposals for new, or enhanced or extended existing, indoor, or outdoor sport, recreation and/ or community facilities, will be supported where they meet a demonstrated community need and comply with a series of criteria.
- 7.21 In general terms the policy meets the basic conditions. I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF. The recommended modifications will ensure that the submitted second half of the policy reads as a series of criteria to the initial part of the policy.

**Replace the policy with:**

**‘Proposals for new, or enhanced or extended existing, indoor, or outdoor sport, recreation and/ or community facilities, will be supported where they meet the following criteria:**

- **the proposal and any associated ancillary facilities such as changing rooms should be of an appropriate scale and design for community use;**
- **the proposal is designed to minimise its environmental impacts, including, where necessary and appropriate, controlled hours of working;**
- **the provision of sufficient and safe parking provision on the development site to accord with Policy T3 of this Plan; and**
- **the access arrangements enable and encourage active travel for pedestrians and cyclists and safe vehicular access.’**

*Policy D1 High Quality Design*

- 7.22 This policy specifies that new development including conversions and extensions should be designed to achieve high quality design and should have regard to the Broadclyst Parish Design Code 2021 (Appendix 14) as well as the guidelines and principles provided by EDDC Conservation Area Appraisal and

East Devon Heritage Strategy. It then goes onto set out eleven design principles.

- 7.23 In the round it is an excellent distinctive policy. Similarly, it is a good local response to Section 12 of the NPPF.
- 7.24 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 recommend a modification so that the policy can be applied in a proportionate way taking account of the scale, nature and location of the development concerned. In doing so I have taken account of BPC's response to the clarification note. Whilst I understand its contention that such an approach may reduce the impact of the policy, I am not convinced that such concerns are justified. EDDC will be able to apply the elements of the policy as they relate to individual proposals. In any event national policy recognises that design is as equally important to minor and domestic schemes as it is to major development. Finally, I recommend two detailed modifications to the criteria to being the clarity required by the NPPF. The second removes supporting text from the policy.

**Replace the opening elements of the policy with:**

**'Development proposals should be designed to achieve high quality design which responds positively to the Broadclyst Parish Design Code 2021 (as set out at Appendix 14) and the guidelines and principles set out in the Conservation Area Appraisal and the East Devon Heritage Strategy.**

**As appropriate to their scale, nature and location development proposals should be designed to:'**

**In 4 replace 'encouraged' with 'supported'**

**In 7 delete 'to maximise removing carbon dioxide from the air, storing carbon in the plants and soil, and releasing oxygen into the atmosphere'.**

*Policy DH1 Historic Character*

- 7.25 This policy comments that all new development affecting the Broadclyst Conservation Area and / or a heritage asset or its heritage landscape setting will be expected to preserve or enhance the positive attributes of significant heritage assets. It then comments that in order to be supported new development proposals should provide a detailed design and layout proposals for the site to reduce impacts on the historic environment.
- 7.26 The policy takes a positive approach to this matter which has regard to national policy. I recommend a detailed modification to the policy to bring the clarity

required by the NPPF. It uses the language in national legislation and provides a direct connection to the range of assets as described in the initial part of the policy.

**Replace ‘will be expected to preserve or enhance the positive attributes of significant heritage assets’ with ‘should conserve or enhance the significance of the heritage asset concerned’**

*Policy DH2 Development of Existing Buildings in and adjacent to the Conservation Area*

- 7.27 This policy continues the approach taken in the previous policy. It comments that proposals for the conversion and or extension of existing buildings within or adjacent to the Broadclyst Village Conservation Area (Figure 7) should ensure that their designs will enhance the fabric and setting of heritage assets drawn from the Broadclyst Conservation Area appraisal and will support heritage-led regeneration to safeguard this Area for the future.
- 7.28 The policy takes a positive approach to this matter which has regard to national policy. I recommend detailed modifications to the policy to bring the clarity required by the NPPF. In the first part of the policy, I recommend that its structure is reconfigured so that its intention is clearer. In the second part of the policy, I recommend that a correct balance is struck between ensuring energy efficiency on the one hand and safeguarding the overall integrity of the heritage asset concerned on the other hand.

**Replace the first part of the policy with:**

**‘As appropriate to their scale and nature, proposals for the conversion and or extension of existing buildings within or adjacent to the Broadclyst Village Conservation Area (Figure 7) should ensure that the design of the following features will enhance the fabric and setting of heritage assets as documented in the Broadclyst Conservation Area appraisal and will support heritage-led regeneration: [thereafter list the criteria as bullet points]’**

**Replace the second part of the policy with:**

**‘The incorporation of appropriately-scaled and sensitively-selected energy efficiency measures in historic buildings will be supported where any harm to the asset concerned does not unacceptably detract from the overall integrity of the asset concerned.’**

*Policy DH3 Historic Restoration*

- 7.29 This policy comments that proposals for part and/or full restoration and/or enhancements to the fabric and setting of heritage assets (archaeological or

historic assets below or above ground) will be supported, where the proposal provides an assessment of the character of the asset, its context and significance; shows how the development fits in with these specific heritage characteristics, and offers a specific and measurable improvement to the historical integrity of the structure and or its setting. The second part of the policy identifies specific buildings in need of improvement and/or repair.

- 7.30 The policy takes an appropriate approach to this matter which has regards to national 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 and there are no specific and costed proposals for the restoration of the four buildings/structures concerned. In all the circumstances I recommend that this part of the policy is deleted and repositioned into the supporting text.

**Delete the second part of the policy.**

*Replace the first sentence of the first paragraph of the Justification with:*

*‘This policy encourages and supports restoration of historical features within the Parish, especially those that the community have identified as having local significance. They are Carrow mill on the River Clyst near Clyst Honiton, the medieval remains of the undercroft of the manor house in the Broadclyst Village churchyard wall, the Stocks in the Broadclyst Village churchyard, and Westwood Bus Stop.’*

*Policy DC1 Energy Efficient New Buildings*

- 7.31 This policy seeks to respond positively to the agenda for energy efficiency buildings. It comments that all new development that ensures a fabric first approach to reducing carbon emissions in accordance with the energy hierarchy provided in Policy DC2 will be strongly supported. It also comments that residential dwellings with recognised high energy efficient standards such as certified Passivhaus and/or a comparable standard will be strongly supported.
- 7.32 The policy has an association with Policy DC2 which relates to existing dwellings.
- 7.33 The policy takes a positive approach to this matter. I recommend that the Passivhaus criteria at the end of the policy are relocated to the supporting text. They are detailed matters rather than policies.
- 7.34 I also recommend modifications to the wording used in the two parts of the policy to distinguish between the levels of support to certain types of development.

- 7.35 I have recommended that the reference to the energy hierarchy in Policy DC2 is deleted to reflect the modifications which I have recommended to that policy later in this report.

**In the first part of the policy delete ‘in accordance...DC2’ and ‘strongly’**

**In the second part of the policy replace ‘strongly’ with ‘particularly’**

**Delete the three bullet points in the second part of the policy**

*At the end of paragraph 8 of the Justification add: ‘The second part of Policy DC1 provides support for Passivhaus construction. Where this takes place [insert the three bullet points deleted from the policy as a continuation of this sentence – with additional sentences and punctuation as appropriate].’*

*Policy DC2 Increasing Energy Efficiency of Existing Buildings*

- 7.36 This policy sets out an equivalent policy to Policy DC1 for existing buildings. It seeks to assist the process to adapt to and mitigate climate change. It comments that proposals for the refurbishment and extension of existing residential properties and commercial buildings should be designed to maximise their contribution to the energy efficiency of buildings and use of renewable energy sources. It also comments that proposals will be supported which contribute to energy efficiency and integrate renewable and low carbon heat and electricity production in accordance with the energy hierarchy.
- 7.37 I sought BPC’s comments on the appropriateness of including the energy hierarchy in the policy and have considered its response carefully. On the balance of the evidence, I recommend that the energy hierarchy element of the policy is deleted. Many day-to-day planning applications in the parish in the Plan period will continue to be of a minor and domestic nature and the energy hierarchy will not immediately apply to such development. Nevertheless, I recommend that the hierarchy is repositioned into the supporting text. The modification also acknowledges that all such proposals will need planning permission.

**Replace the policy with:**

**‘Insofar as planning permission is required, proposals for the refurbishment and extension of existing residential properties and commercial buildings should be designed to maximise their contribution to the energy efficiency of buildings and use of renewable energy sources.**

**Proposals which would contribute to energy efficiency and integrate renewable and low carbon heat and electricity production will be particularly supported.’**

*At the end of paragraph 9 of the Justification add:*

*‘Development proposals should respond positively to the energy hierarchy as set out below: [At this point insert parts 1 and 2 of the submitted policy]’*

*At the end of paragraph 10 of the Justification add:*

*‘Where necessary proposals should be designed to reduce any potential impacts on the character of buildings. These measures could include analysing the proportions of the building and roof surface in order to identify the best location and sizing of panels: concealing wiring and other necessary installations; the use of other tile or slate colours for compatibility with the solar panel materials; the use of proportionate contrast and boldness (for example, the use of black solar panels with black mounting systems and frames instead of blue panels) and positioning solar panels at ground level or on outbuildings including garages.’*

#### *Policy DC3 Sustainable Drainage*

- 7.38 This policy comments that all new residential and commercial developments should demonstrate a net reduction in surface water runoff to minimise the impact of development on the drainage regime of rivers in the parish, reduce incidents of localised flooding, and to maximise water storage and controlled release.
- 7.39 The policy takes a positive approach to this matter. The approach also takes account of the water drainage situation in the parish.
- 7.40 I recommend a modification to the first part of the policy so that it can be applied proportionately. I also recommend a consequential modification to the third part of the policy.
- 7.41 The second part of the policy carefully overlaps with the Devon County Council (DCC) approach to flooding. However, there is no need for a neighbourhood plan to repeat existing policies or related documents. In addition, the DCC advice (and the schedule of points in the policy) will not necessarily apply to all development proposals. As such I recommend that this part of the policy is repositioned into the supporting text.
- 7.42 The fourth part of the policy takes an equally responsible approach to the refurbishment or extension of existing properties. However, I recommend that it is modified to take account of the need or otherwise for planning permission, the practicability of the introduction of any sustainable drainage measures and the viability of doing so.

**In the first part of the policy replace ‘All’ with ‘As appropriate to their scale, nature and location’ and ‘are required to’ with ‘should’**

**Delete the second part of the policy.**

**In the third part of the policy delete ‘should.... but’ and replace ‘seek to’ with ‘as appropriate to their scale and nature’**

**Replace the final part of the policy with: ‘Insofar as planning permission is required, proposals to retrofit, convert or extend existing properties should comply with the approach in this policy where it is both practicable and commercially-viable to do so’**

*At the end of paragraph 4 of the Justification add the deleted second part of the policy.*

*Policy DC4 Residential Storage*

- 7.43 This policy comments that new residential development should be designed to facilitate occupants to recycle and make greater use of low carbon and active travel. The policy also comments that storage must be considered as part of the initial design process for all new developments and should be designed in a manner that minimises their visual impact on the public realm and obstruction of pedestrian and vehicular access routes.
- 7.44 I sought BPC’s comments on the appropriateness of the level of detail in the policy and have considered its response carefully. On the balance of the evidence, I recommend that several detailed elements of the policy are deleted and are repositioned into the supporting text. I have however retained the element of the policy which requires that storage facilities are considered as a fundamental part of the wider development.

**Replace the policy with:**

**‘New residential development should be designed to facilitate occupants to recycle and make greater use of low carbon and active travel.**

**The provision of the following dedicated storage facility structures will be supported:**

- **facilities for waste and recycling, and**
- **secure and dry external storage to accommodate bicycles and/ or mobility aids.**

**The storage structures should be considered as part of the initial design process and be incorporated in a manner that would minimise their visual impact on the public realm and any potential obstruction of pedestrian and vehicular access routes.’**

*At the end of paragraph 4 of the Justification add: 'Storage facilities may be combined. Garages acceptable for parking and storage should have a minimum internal dimension of 3m x 6m per vehicle. Cycle storage should be provided for a minimum of two cycles per dwelling.'*

#### *Policy DC5 District Heating Schemes*

- 7.45 The policy sets out a positive context for the promotion of District Heating schemes. It provides a local context to national and District-wide initiatives.
- 7.46 I recommend detailed modifications to the first and third parts of the policy so that they have the clarity required by the NPPF.
- 7.47 I recommend that the second part of the policy (on the transfer of energy from commercial buildings into District Heating schemes) is repositioned to the supporting text. Its intentions are very sustainable and feature in the Devon Waste Plan. Nevertheless, the transfer of energy is not a land use planning matter.

#### **Replace the first part of the policy with:**

**'Across the neighbourhood plan area, including but not limited to the LDO District Heating Area (Figure 27), proposals for new development that demonstrate that they will produce less than 150kg of CO<sub>2</sub> per kWh from heating systems will be supported.'**

#### **Replace the third part of the policy with:**

**'Development proposals for such schemes should be designed to ensure that they do not have an unacceptable impact on the character and setting of the immediate locality; the amenities of residents and the character of the natural environment and its biodiversity.'**

*Reposition the deleted second part of the policy to the end of paragraph 1 of the Justification.*

#### *Policy DC6 Community Led Renewable Energy Production*

- 7.48 This policy sets out a comprehensive approach to community-led renewable energy production. It includes a series of examples of the types of development which would be supported. It also sets out a series of criteria with which proposal should comply.
- 7.49 I recommend that the policy is recast so that it has a general nature.
- 7.50 The policy also comments about general proposals for micro-hydroelectricity, solar farm (up to 5 hectares and where the community directly benefit), and ground source/air source heating to community feedback and need. However,

whilst BPC's intentions are clear, there is no evidence submitted in the policy to support the potentially very restrictive approach in this part of the policy. In any event, it would not have regard to national policy. On this basis I recommend that this element of the policy and the associated supporting text are deleted.

**Replace the policy with:**

**'Development proposals for renewable energy schemes which are promoted in partnership between a community organisation and a developer (commercial or non-profit) will be supported where they meet the following criteria:**

**[Criteria 1/2/3 as in the submitted Plan]**

**Replace the fourth criterion with: 'The proposed development safeguards and where practicable enhances water quality and aquatic life.'**

*Delete paragraphs 5 and 6 of the Justification.*

*Policy EC1 Regeneration of Beare Farm*

- 7.51 This policy proposes the allocation of Beare Farmhouse and outbuildings (as shown in Figure 34) to provide flexible commercial space for either one or a combination of the followings uses:
- Offices (Use Class B1 (a) and E (g) (i));
  - Food and/ or drink production (Use Class E(g)(ii); and
  - Small light industrial workshops (Use Class E(g)(iii).
- 7.52 The policy also identifies a series of development criteria for the site.
- 7.53 I looked at the site carefully during the visit. In general terms I am satisfied that the policy meets the basic conditions. It will assist in the delivery of the economic dimension of sustainable development and in the wider diversification of the local economy. It will also assist in the reuse and repair of the buildings concerned.
- 7.54 I recommend a series of modifications as follows:
- detailed changes to the wording used both for general clarity and to bring consistency in the policy;
  - to clarify the purpose of the first criterion;
  - to break the second criterion into its component parts (rather than directly related to car parking); and

- to reposition the third criterion into the supporting text given that the specifics of the agricultural use is not a matter which is within planning control.

**In the third part of the policy replace ‘permitted’ with ‘supported’**

**Replace the first criterion with: ‘The conversion of the listed house and outbuildings should be developed in accordance with the provision of Policy DH3, and any new development should be in accordance with the provisions of policy DH1.’**

**Replace the second criterion (and number accordingly) with:**

- **An appropriate level of parking for the uses proposed is provided on the site;**
- **Sustainable modes of transport are provided for to and from the site where practicable;**
- **A safe vehicular access is provided onto the B3181 which safeguards the pedestrian access to the Beare bus stop.**

**Delete the third criterion of the policy.**

*At the end of paragraph 2 of the Justification add: ‘To ensure development does not compromise the ability of the wider agricultural landholding surrounding the site the wider land holding should ideally be farmed in line with Killerton Estate objectives or their future equivalents.’*

#### *Policy EC2 Regeneration of Crannaford Site*

- 7.55 This policy allocates Site EC2 Crannaford (as detailed in Figure 35) for the refurbishment and selective development to provide flexible commercial space for Class E(g)(i) or Use Class E (a) and E (b). These uses relate to the E Use class (Commercial, Business and service) as introduced in the Use Classes Order in 2020.
- 7.56 The policy also identifies a series of criteria for the development of the site.
- 7.57 I looked carefully at both the proposed site and the adjacent railway crossing during the visit.
- 7.58 Network Rail advises that Crannaford is an unprotected level crossing (an Automatic Half Barrier). Trains strike in on approach to these crossings and there is no intervention either automatically or manually via a signaller to stop a train should a person or vehicle be on the level crossing. Once the barrier – which only extends halfway across the road – is lowered a train will arrive at the crossing in as little as seven seconds. On the off-side approaches there is nothing to prevent a person walking directly into the path of an approaching

train. Likewise, a vehicular user can weave through should they not be prepared to wait. Network Rail also comments also that level crossings of this type are a legacy from an earlier era and they are no longer installed.

- 7.59 There is different information about the level of usage of the road in general, and the level crossing in the supporting text of the Plan and in the representation from Network Rail. This was clarified by Network Rail during the examination.
- 7.60 During the examination EDDC provided information about the recent granting of planning permissions on the site as follows:
- 19/0630 – Change of use to B2 General Industrial use (specifically for MOT use). The permission has been implemented.
- 20/0119 – Change of use of part of the building to a gym. The permission has not been implemented.
- 7.61 The policy comments that details of how the development will impact on the road and railway crossing/barriers should be included in transport assessments submitted with individual planning applications.
- 7.62 In general terms I am satisfied that commercial uses are similar to those already approved by EDDC are appropriate for the existing buildings. However, the proposed use of the buildings or the potential redevelopment of the site for retail or food and drink purposes would inevitably be a different matter. Such uses would be likely to generate much higher levels of traffic and as such would have a more significant impact on the local highway network and the level crossing of the railway. Whilst there has been a continuing commercial use of the premises and recent granting of planning permissions, these proposals have been considered in a case-by-case way by EDDC. The policy has attracted objections from both EDDC and Network Rail. Both organisations raise safety issues about the location of the site to the railway line.
- 7.63 Plainly it is important that I take a proper assessment of the safety issues associated with the proposed development of the site as now promoted in a development plan policy. In this context there is a degree of uncertainty about the existing traffic levels using the crossing and different views about the traffic likely to be generated by the development proposed in the Plan. On the one hand, the policy acknowledges the importance of the matter. On the other hand, the format of the policy does not directly address this issue, and no detailed assessment of the safety issues with the existing crossing has been undertaken by BPC. As such the policy requires any developer to address this matter by way of a transport assessment. This in turn requires EDDC to make a case-by-case assessment of each proposal which may arise. In the round this approach

does not bring the clarity required by the NPPF for a development plan policy. In all the circumstances I recommend that the policy is deleted from the Plan.

- 7.64 I acknowledge that this recommendation will be a disappointment to BPC. However, it may well be that any future review of the Plan will be able to provide the evidence required to justify such a policy on safety grounds. Until that time EDDC will be able to determine any further applications (for the uses proposed in the submitted policy or for other uses) which may arise on the site on a case-by-case basis. The recent planning history suggests that this approach will not artificially hinder appropriate proposals for commercial uses.

**Delete the policy.**

*Delete the Justification (paragraphs 1-10)*

*Policy EC3 Regeneration of Winter Gardens Site*

- 7.65 This policy allocates land at Winter Gardens (as shown on Figures 36A and B) to provide flexible commercial space for offices (Use Class B1 (a) and Light industrial uses (Use Class E(g)(iii)).
- 7.66 The policy also identifies a series of development criteria for the site.
- 7.67 I looked at the site carefully during the visit. In general terms I am satisfied that the policy meets the basic conditions. It will assist in the delivery of the economic dimension of sustainable development and in the wider diversification of the local economy.
- 7.68 I recommend that the order of the policy is revised. This will bring the clarity required by the NPPF and as such make the policy easier to use.
- 7.69 I also recommend that the various criteria are modified so that they can be applied through the development management process with clarity. Their role and purpose remain unaffected.

**Reposition the second part of the policy so that it appears at the end of the policy.**

**Replace the third part of the policy (as submitted) with:**

**‘Development proposals should satisfy the following criteria:**

- **the redevelopment does not have an unacceptable impact on the character of the immediate area;**
- **the proposal would not unacceptably harm the amenity of neighbouring businesses and residents;**
- **the volume of traffic generated by proposals can be satisfactorily accommodated on the local highway network;**

- **sufficient parking is provided within the site;**
- **safe vehicular access can be provided; and**
- **appropriate landscaping is provided along the boundaries of the site.'**

*Policy EW1 Development of Work Hubs*

- 7.70 This policy comments that development proposals for work hubs which enable the start-up and growth of micro-sized enterprises through the provision of small, 'hot desk', incubator offices and work hubs will be supported. It also comments that proposals within the wider rural area will need to demonstrate that such development does not significantly impact on the landscape and heritage character and that design features ensure that the sites do not adversely impact the immediate neighbours and the wider setting.
- 7.71 I recommend modification to the fourth and fifth parts of the policy to bring the clarity required by the NPPF.

**Replace the fourth part of the policy with:**

**'Development proposals within the wider rural area should not unacceptably impact on the landscape and heritage character of the neighbourhood area. In addition, their detailed design should ensure that they do not unacceptably impact on neighbouring residential properties.'**

**Replace the fifth part of the policy with:**

**'Development proposals for work hubs in the CVRP will not be supported other than where they positively contribute towards achieving the objectives of the Park.'**

*Policy ET1 Development of Tourism*

- 7.72 This policy comments that proposals for the development of tourism-related businesses relating to a combination of uses which focus on the rural character of the parish will be supported. The policy also helpfully sets out a series of criteria with which such proposals should comply.
- 7.73 The policy takes a positive approach to this matter. Nevertheless, I recommend that the list of tourism activities in repositioned into the supporting text. As submitted the policy is both restrictive and potentially exclusive. I also recommend that the two criteria are modified so that they have the clarity required by the NPPF.

**Replace the policy with:**

**‘Development proposals for sustainable tourism will be supported subject to the following criteria:**

- **the scale of the development reflects the rural nature of the Parish;**
- **the proposed development should respect the landscape and heritage character of the immediate locality and where necessary incorporate appropriate landscaping and visual screening;**
- **the proposed development does not have an unacceptable impact on the amenities of residential properties in the immediate locality; and**
- **the proposal can be safely accommodated in the local highway network and provide appropriate levels of car parking.**

**Development proposals for tourism in the CVRP will not be supported other than where they positively contribute towards achieving the objectives of the Park.’**

*Replace paragraph 2 of the Justification with: ‘The Parish Council considers that tourism sits well with the Plan’s wider approach to sustainability, and that the tourism provision in the parish could usefully be extended to include a climate change focus. This would enable the development of tourism to be in keeping with the Parish landscape and heritage settings. The Parish Council would particularly support tourism proposals relating to woodland, flora and fauna habitats, rural crafts (including traditional rural crafts.), climate change and heritage (natural and built landscapes). For clarity sustainable tourism proposals are those which contribute to the conservation and enhancement of the natural environment whilst providing for the needs of users and bringing benefits to the local economy and avoid unacceptable impacts on the local environment.’*

*Policy ET2 Holiday Accommodation*

- 7.74 This policy sets out a context within which proposals for holiday accommodation will be supported subject to a series of criteria. It seeks to add value to Policy Strategy 33 of the adopted Local Plan.
- 7.75 I recommend that the opening parts of the policy are simplified. As submitted the policy is very prescriptive and has the potential to prevent sustainable development coming forward. In addition, there is no evidence in the Plan to support its assertion that Class C1 uses (hotels) would not be acceptable. In reaching this conclusion I have taken account of BPC’s response to the clarification note.
- 7.76 I am satisfied that the criteria address a series of distinctive local matters. I recommend a series of modifications to ensure that they have the clarity to be

applied consistently through the development management process. In the fourth bullet point I recommend that the element of the policy about residential use and/or second homes is deleted and repositioned into the supporting text. The purpose of a policy in this context is to describe what will be supported.

**Replace the opening elements of the policy with ‘Development proposals for holiday accommodation will be supported which are:’**

**In the first bullet point add ‘close’ between ‘in’ and ‘proximity’**

**In the second bullet point add ‘and height’ after ‘scale’**

**Delete the third bullet point.**

**In the fourth bullet point delete ‘and not.... ownership’**

**In the fifth bullet point replace ‘significantly’ with ‘unacceptably’**

**Replace the final part of the policy with:**

**‘Development proposals for holiday accommodation in the CVRP will not be supported other than where they positively contribute towards achieving the objectives of the Park.’**

*Policy ET3 Camping Sites*

- 7.77 This policy comments that development proposals for camping sites offering a range of styles, types, and qualities of camping to include tents, yurts, shepherd huts, pods & lodges and tree houses will be supported especially where they would have good access to local services and facilities.
- 7.78 The policy takes a generally positive approach to this type of development. Nevertheless, I recommend modifications to the policy so that the context to the criteria is clearer. I also recommend detailed modifications to some of the criteria. In the case of the first criteria, I have considered EDDC comments about restricting the scale of such development. Inevitably this will be difficult to do so in absolute terms. However, I have linked the issue to the potential impact of any development on its landscape setting by merging the first and the fifth criteria.
- 7.79 I also recommend a similar modification to the part of the policy which relates to the CVRP as in Policy EW1.

**Replace ‘Development will be subject to the following’ with ‘Development proposals should respond positively to the following criteria:’**

**Replace the first bullet point with: ‘Sites should demonstrate the way in which their scale and layout can be satisfactorily accommodated in the**

**local landscape and how any landscaping and screening measures would mitigate any identified impact on the character of the landscape.'**

**In the third and fourth criteria replace 'must' with 'should'**

**Delete the fifth criteria.**

**Replace the sixth criterion with 'The detailed design of proposals should ensure that they do not unacceptably impact on neighbouring residential properties.'**

**Replace the final part of the policy with: 'Development proposals for camping sites in the CVRP will not be supported other than where they positively contribute towards achieving the objectives of the Park.'**

### *Housing policies*

- 7.80 The housing policies are another important part of the Plan. The supporting text acknowledges the scale, nature and location of the strategic development as set out in the Local Plan and the Cranbrook Plan DPD insofar as it will affect the neighbourhood area. It draws specific attention to Old Park Farm W210, Pinncourt W113, Tithebarn W213A, Tithebarn W213B, and Mosshayne Farm Cranbrook W144B (Blue Hayes site). The Plan does not seek to add to the policy context which already exists on these strategic sites. Such an approach is entirely appropriate. The Cranbrook Plan Development Plan Document has been adopted since the Plan was submitted. Policy CB8 of that Plan includes a built-up area boundary for Broadclyst Station. I recommend specific modification to several of the housing policies in the Plan to acknowledge this update of the development plan context. I recommend that the supporting text to the policies is updated to reflect this matter

*At the end of paragraph 3 in the Policy Context for Housing add: 'The Cranbrook Plan Development Plan Document was adopted in October 2022. Policy CB8 of that Plan includes a built-up area boundary for Broadclyst Station. That built up area boundary is shown in Figure [insert number].'*

*Include a new figure to show the Broadclyst Station built up area boundary.*

- 7.81 The focus of the Plan is on smaller scale development which would deliver the local element of housing growth and the associated affordable housing and mix of houses. This element of the Plan relies on information assembled during the Plan preparation process. It makes specific reference to the Housing Evidence (Appendix 10).

- 7.82 In 2017 a call for land brought forward 28 sites. AECOM completed a Sites Option Assessment (2019) (Appendix 18) and reported on nine residential sites. The sites progressed through stages and at each stage these were reviewed

by the neighbourhood plan Overview Steering Group. Throughout this process several sites were withdrawn from the process.

- 7.83 The Plan proposes the allocation of 44 houses on three sites. The number of houses on each site has been set at a density of at or below 21 per hectare. This is lower than the densities for Westclyst and Cranbrook in the strategic policies in the Local Plan. The lower density was set to take account of local community support for smaller scale housing sites with lower densities for the sites to be in keeping with their settings and the capacity of local infrastructure.
- 7.84 I am satisfied that the selected sites have been carefully chosen within the context of scale, nature, and settlement pattern of the parish. I am also satisfied that the approach taken on density, infrastructure and the development of the individual sites has been carefully considered. The general support for their inclusion in the Plan both from residents and landowners demonstrates the thorough way in which BPC has promoted the sites concerned throughout the plan preparation process. The next sections of the report comment on the three sites in turn.

*Policy H1 Blackhorse Gardens Site*

- 7.85 This policy proposes the allocation of land at Blackhorse Gardens (identified in Figure 46) for a small-scale development to include 2 live-work units (maximum of one and a half storeys) and 2 houses (maximum 2 storeys).
- 7.86 In general terms I am satisfied that the policy approach and the criteria associated with the site are both appropriate and meet the basic conditions. Plainly the policy will bring forward a very specific development to address identified local needs. As such it is an excellent example of a neighbourhood plan policy.
- 7.87 I recommend a series of detailed modifications to the criteria to bring the clarity required by the NPPF. They do not affect the intentions of the affected criteria. I recommend that the third criterion is simplified so that its focus is on providing a satisfactory access. As submitted its focus is on process (a Transport Statement) rather than the outcome in development management terms (the provision of a safe access). In addition, the requirement for the access to be onto the London Road is very prescriptive and other options may be available. I also recommend that the criterion on aircraft related noise is made more general. This will be a detailed matter for EDDC to consider when planning applications are submitted.
- 7.88 Finally I recommend the deletion of the definition of a live work unit in the policy. It is not in itself policy. Nevertheless, I recommend that it is included in the supporting text to provide a context for the policy (and for its implementation by EDDC in the Plan period). I recommend a similar modification to Policy H7.

**Delete the second part of the policy (definition).**

**Replace criterion 1 with: ‘Development proposals should incorporate mitigation features for aircraft related noise’**

**Replace criterion 3 with ‘The provision of safe vehicular, pedestrian and cycle access.’**

*At the end of paragraph 3 of the Justification add: ‘A live work unit is defined as the provision of a room with an external door (on either floor) that is designated as an office /workspace for those residing therein and is to be in addition to the specified number of bedrooms and bathrooms, any other living rooms including a utility room and, in addition to a garage if included.’*

*Policy H2 Broadclyst Station: Site between Shercroft Close and Cotterell Road*

- 7.89 This policy proposes the allocation of land at Broadclyst Station (as identified in Figure 47) for 24 residential dwellings to include twelve affordable houses, five self-build plots, and seven open market houses.
- 7.90 In general terms I am satisfied that the policy approach and criteria associated with the site are both appropriate and meet the basic conditions.
- 7.91 I recommend a series of detailed modifications to the criteria to bring the clarity required by the NPPF. They do not affect the intentions of the affected criteria.
- 7.92 I have taken account of the representation made by Hallam Land Management and Taylor Wimpey. On the balance of the evidence, I am not satisfied that there either is or indeed should be any connection between the development of the proposed site and the development of the strategic extension to Cranbrook (to the east of Station Road). In these circumstances I recommend the deletion of the asterisk in the policy (making such a connection) and the inclusion of an additional criterion in the policy requiring the scheme to incorporate an appropriate access.
- 7.93 I have taken account of BPC’s response to the clarification note on the matter of the final element of the policy about viability. Nevertheless, as submitted it is a statement of fact rather than a policy. I recommend that it is deleted from the policy and incorporated (in an extended way) in the supporting text.

**Replace the second criterion with: ‘The development of a comprehensive master plan including the provision of an element of residential development to follow the existing linear development pattern along Station Road.’**

**Replace the third criterion with: ‘Taking account of an assessment of flood risk and ecological constraints and opportunities, having appropriate regard to the proximity of the site to the Clyst Valley Regional Park (CVRP).’**

**Add an additional criterion to read: ‘The provision of an appropriate access into the site.’**

**Delete the final part of the policy (on viability).**

**Delete the asterisk (and the associated commentary).**

*Replace C3 of the Justification with: ‘The development of the site has been tested for viability purposes. The requirements in the policy for the site to make provision for a LEAP and land for the Cranbrook to Exeter cycle route have been taken into consideration in the balance. In these circumstances the traditional expectation for a contribution towards the delivery of community facilities will not apply to the development of the site.’*

*Policy H3 Broadclyst Village: Heathfield site*

- 7.94 This policy proposes the allocation of land on the edge of Broadclyst village (as identified in Figure 48) for the development of no more than 16 homes.
- 7.95 The site is in a very sustainable location on the edge of Broadclyst village.
- 7.96 In general terms I am satisfied that the policy approach and the criteria associated with the site are both appropriate and meet the basic conditions. In its response to the clarification note BPC commented that the policy specified an additional pedestrian access (Criterion 3) to create a more direct route (to both the housing and allotment and the Dog recreation area) which would also be separate from the vehicle junction. It also commented that the landowner had agreed to the provision of a footpath through the site to provide a more convenient access to the allotments to the south east of the site.
- 7.97 I recommend a series of detailed modifications to the criteria to bring the clarity required by the NPPF. They do not affect the intentions of the affected criteria.
- 7.98 The houses on the northern side of Sanders Close are immediately adjacent to the southern boundary of the proposed site. I recommend the inclusion of an additional criterion in the policy to ensure that existing residential amenities are safeguarded.

**Replace criterion 4 with: ‘Any unavoidable loss of existing boundary vegetation should be replaced on the site as part of a landscaping / planting scheme.’**

**Replace criterion 7 with: ‘The design and layout of the site should ensure that development will not cause unacceptable harm to Heath Gardens and its setting.’**

**Add a further criterion to read: ‘The design, layout, and levels of the scheme should not cause unacceptable harm to the amenity of the existing homes on the northern side of Sanders Close.’**

*Policy H4 Social and Affordable Housing*

- 7.99 This policy comments that proposals for new dwellings on the allocated sites in the Plan will be required to provide 50% affordable housing. The policy also specifies the way in which the affordable housing should be delivered.
- 7.100 On the balance of the evidence I am satisfied that the level of affordable housing required is justified by evidence of local need. In any event BPC has been clear in the Plan about the way in which it intends the three allocated sites to be developed and that approach has not generated developer/landowner objections. In this context the first paragraph of the Justification comments about the ability for developers to present information where they consider that either the overall total of affordable housing or the split between the different elements is not commercially viable.
- 7.101 I recommend a modification to the wording of the opening part of the policy so that its remit is clear.
- 7.102 The policy includes the details of the local cascade system for affordable housing. Whilst this is helpful, it explains the operation of the policy rather than operating as policy. I recommend that it is deleted and repositioned to the supporting text.

**Replace ‘Proposals for new dwellings on allocated sites in the Neighbourhood Plan will be required to’ with ‘Proposals for the development of allocated sites H1 (Blackhorse), H2 (Broadclyst Station) and H3 (Broadclyst) in this Plan should’**

**Delete the section on the details of the local connections policy.**

*Relocate the deleted section of the policy to the end of paragraph 2 of the Justification.*

*Policy H5 New Housing in Broadclyst Parish*

- 7.103 This policy seeks to set a policy context for the way in which potential exception sites outside the built-up boundary will be considered and determined.

- 7.104 It seeks to provide a local iteration of Policy Strategy 35 of the adopted East Devon Local Plan. I recommend a modification to the wording of the policy so that this matter is clear.
- 7.105 I also recommend that the details of the policy requirements are modified so that they can be applied in a proportionate way. As submitted the policy requirements are rather blunt and inflexible and would create a disproportionate responsibility for smaller proposals.

**Replace the policy with:**

**‘Exception site mixed affordable and open market housing schemes outside the built-up area boundaries in Broadclyst Parish will be assessed against the provisions of Policy Strategy 35 of the East Devon Local Plan.**

**Development proposals should include a proportionate and up-to-date housing needs assessment and demonstrate the way in which the proposed housing meets local needs in terms of number of dwellings, and their size and tenure.’**

**Development proposals for housing in the CVRP will not be supported other than where they positively contribute towards achieving the objectives of the Park.’**

*Policy H6 Self – build*

- 7.106 This policy offers support to the development of self-build/custom dwellings. It identifies specific approach in Broadclyst, in Broadclyst Station, Blackhorse, Tithebarn, and Westclyst and elsewhere in the parish.
- 7.107 The policy takes account of local evidence and the findings of the East Devon register for self-build housing.
- 7.108 I recommend modifications to the various elements of the policy so that they have the clarity required by the NPPF. In the second part of the policy, I recommend the use of ‘communities’ rather than ‘settlements’ to ensure that the language used does not conflict with that used in the Local Plan where settlements are defined by built-up area boundaries.
- 7.109 In specific terms I recommend that the details about the scale of potential development are repositioned into the supporting text. Otherwise, the policy will be too prescriptive and may have the unintended consequence of preventing such development coming forward.

**Replace the policy with:**

**‘Development proposals for single self-build/custom dwellings within or immediately adjacent to the built-up area boundaries in Broadclyst Parish will be supported.**

**Proposals for self-build/custom dwellings will be supported that are within or immediately adjacent to the established communities of Blackhorse, Tithebarn, and Westclyst.**

**Proposals for self-build/custom dwellings promoted through a community-led mechanism or through a Community Land Trust Scheme will be supported.**

**Development proposals for housing in the CVRP will not be supported other than where they positively contribute towards achieving the objectives of the Park.’**

*At the end of paragraph 8 of the Justification add: ‘The first and second parts of the policy refers to identified settlements. They offer support for infill plots which are defined as plots in urban, village or settlement settings that take up a gap in the street scene rather than expanding beyond the village and settlement itself, in which the new dwelling is in scale with surrounding properties and/or the settlement concerned. Based on the size of the settlements concerned the Plan anticipates that up to three such houses could be developed in each place.’*

*Policy H7 Development of live-work units*

7.110 The policy comments that proposals for the development of live-work units will be supported in the following locations:

- On brownfield sites;
- In infill plots (as defined in policy H6);
- For re-use of suitable rural and agricultural buildings; and
- the site allocated in Policy H1.

7.111 In general terms the policy takes a positive approach to this matter. It will encourage economic diversification and general quality of life. However, I recommend that an additional element is included in the policy to ensure that appropriate environmental safeguards are in place. I also recommend that the definition of live work units is relocated into the supporting text as it is not a policy.

**Delete the definition part of the policy.**

**Include a new element of the policy to read:**

**‘Development proposals within the wider rural area should not unacceptably impact on the landscape and heritage character of the parish. In addition, their detailed design should ensure that they do not unacceptably impact on the amenities of neighbouring residential properties.’**

**Replace the final element of the policy with: ‘Development proposals for housing in the CVRP will not be supported other than where they positively contribute towards achieving the objectives of the Park.’**

*At the end of paragraph 3 of the Justification add: ‘A live work unit is defined as the provision of a room with an external door (on either floor) that is designated as an office/workspace for those living in the house and is to be in addition to the specified number of bedrooms and bathrooms, any other living rooms including a utility room and, in addition to a garage if included.’*

*Policy T1 New pedestrian and cycle route*

- 7.112 This policy seeks to provide a context for the community’s view about the need for an improved connection between Broadclyst and Broadclyst Station. During the visit I experienced first-hand the practical and potential safety issues associated with the relationship between the two separate communities.
- 7.113 The policy comments that development proposals which include or contribute towards the provision of a safe and direct access for pedestrians and cyclists between Broadclyst Village and Broadclyst Station will be supported. The policy also sets out the nature of the measures which should be achieved by any such proposals.
- 7.114 In its helpful response to the clarification note BPC commented about the importance of the issue locally. It also acknowledged that the proposal was aspirational due to the cost and complexity of the project.
- 7.115 In all the circumstances I recommend modifications to the policy so that it becomes a supporting policy for an important community aspiration. In this context any reference to the potential for other projects to be associated with the proposed enhancements has been removed from the policy. The continued retention of such an approach may have unintended consequences.
- 7.116 Finally I also recommend that the specific facilities listed in the policy are repositioned (as suggested approaches) into the supporting text. As the County Council acknowledges, in the absence of any proposed, funded or costed measures it would be inappropriate to include any degree of certainty in the policy.

**Replace the policy with: ‘Development proposals to provide safe and direct access for pedestrians and cyclists between Broadclyst Village and Broadclyst Station will be supported.’**

*At the end of paragraph 5 of the Justification add:*

*‘Ideally any such proposals should assist both residents of Broadclyst Station travelling northwards to/from locations such as Clyst Vale Community College, Broadclyst Primary school, Killerton House, Ashclyst Forest and also residents of Broadclyst Village travelling southwards to/from locations such as Cranbrook Town Centre, Cranbrook Train station, primary schools in Cranbrook and Cranbrook Education Campus.’*

*Policy T2 Pedestrian and Cycle Bridge over the Waterloo Railway line*

- 7.117 This policy seeks to provide a context for the community’s view about the need for a pedestrian/cycle bridge over the railway line. During the visit I experienced first-hand the practical and potential safety issues associated with crossing the railway line in the parish.
- 7.118 The policy comments that development proposals which include or contribute towards the provision of a bridge over the Waterloo - Exeter Railway line for cyclists and pedestrians to enable people to safely access Broadclyst Station, Cranbrook, Cranbrook railway station from the north and centre of the Parish will be supported.
- 7.119 In its helpful response to the clarification note BPC commented about the importance of the issue locally. It also acknowledged that the proposal was aspirational due to the cost and complexity of the project.
- 7.120 I have also taken account of the comments of Hallam Land Management and Taylor Wimpey about the relationship between the policy and the strategic expansion of Cranbrook (Blue Hayes area) and that the provision of a footbridge is not required in the Cranbrook Plan DPD.
- 7.121 In all the circumstances I recommend modifications to the policy so that it becomes a supporting policy for an important community aspiration. In this context any reference to the potential for other projects to be associated with the construction of a bridge have been removed from the policy. The continued retention of such an approach may have unintended consequences.
- 7.122 I recommend that the policy includes an element about the importance of providing good accessibility to the north of the railway line. Plainly any connection will only be as good as the access points on either side of the railway.
- 7.123 The recommended modifications take account of the following specific matters:

- the lack of any specific information at this point about potential locations for a bridge – on this basis neither Figure 54 nor the potential locations in the Justification have any significance; and
- the rather complicated and in place unjustified benefits of the development of a bridge.

**Replace the policy with:**

**‘Development proposals for the provision of a bridge over the Waterloo - Exeter Railway line for cyclists and pedestrians will be supported.**

**Development proposals should respond positively to the following matters:**

- **the route to and from the bridge should connect where practicable into the Cranbrook Bluehayes Expansion Area cycle and pedestrian infrastructure;**
- **the bridge should be within easy walking distance to Cranbrook Railway Station;**
- **the overall proposal should deliver safe pedestrian and cycle access routes to the bridge from Broadclyst village;**
- **the bridge and associated infrastructure must provide safe access;**
- **the bridge and the associated infrastructure should be designed to mitigate impact on adjacent residential properties; and**
- **the location and design of the bridge should not unacceptably increase the risk of flooding.’**

*Replace paragraph 3 of the Justification with:*

*‘The benefits of such a development are self-evident. They include reduced traffic congestion for local people by being able to access rail and bus at Cranbrook without using cars; the provision of infrastructure which provides an environmentally friendly, reduced carbon emissions options due to reduced vehicular traffic; and the opportunities for a healthier lifestyle by encouraging station access by bicycle and on foot.’*

*Delete paragraph 5 of the Justification.*

*Delete Figure 54.*

*Policy T3 Parking Provision*

7.124 This policy sets out a comprehensive approach towards car parking. In its capacity as the highways authority the County Council comments that whilst EDDC assess and determine parking standards, it welcomes the promotion of

sustainable and greener methods of travel in proposed schemes as outlined in this policy proposal.

7.125 In general terms the policy meets the basic conditions. However, I recommend a series of modifications to ensure that the policy has the clarity required by the NPPF. The recommended modifications bring a degree of simplicity to the policy and more closely relate it to the development management process.

**Replace the first part of the policy with:**

**‘Development proposals should provide on-site car parking in accordance with parking standards in the development plan and which:**

- **minimise the visual impact of parking upon the setting;**
- **provide parking areas that have maximum surface permeability;**
- **ensure parking spaces are prioritised for sustainable modes of transport;**
- **provide charging points; and**
- **provide covered facilities for cycles and E-bikes.**

**Delete the second part of the policy.**

**Replace the third part of the policy with:**

**‘Non-residential developments, including public car parks, Park and Change and Park and Ride facilities should deliver car parking arrangements which address the following matters:**

- **the accessibility of the location.**
- **a mix of rapid, fast and trickle electric charge appropriate to the type of development.**
- **the provision of electric charging points at a minimum of 20% of the public parking spaces except where it is demonstrably unviable to do so in which case the highest percentage of provision which is viable should be applied.**
- **the provision of a minimum of 50% of the staff designated parking spaces with charging points except where it is demonstrably unviable to do so in which case the highest percentage of provision which is viable should be applied.**

**Replace the remainder of the policy with:**

**‘Development proposals which include parking provision which utilises roofs/ covered areas or ground mounted solar systems to generate renewable energy will be supported where they do not have an unacceptable impact on the visual amenity of the immediate locality. Parking provision which generates energy within the parking area for the**

**charging of vehicles, lighting, or heating of adjacent buildings within the parking area will be supported.'**

*Policy T4 Active travel infrastructure (for commuting and leisure)*

- 7.126 This policy addresses active travel infrastructure. It comments that support will be given to proposals which would extend and/or improve routes for active travel across the parish. It also comments that proposals which would have an adverse impact on these routes will not normally be supported unless acceptable alternatives can be provided.
- 7.127 I recommend that the policy is reconfigured so that it simpler and has a focus on active travel routes. Other elements of the policy are more general and are not written in a land use policy fashion. I recommend that the policy focuses on the routes shown on Figure 55 and that the section on multi-use trails is relocated into the supporting text.
- 7.128 The final part of the policy promotes the development of 'low traffic neighbourhoods' in existing settlements and in all new large scale residential developments that provide a network of quiet streets with safe crossings across main roads for walking and cycling that any age or ability can use. This is a very appropriate ambition. Nevertheless, it is highways matter rather than a land use planning matter. On this basis it is not included in the recommended modified policy. I also recommend consequential modifications to the supporting text. Nevertheless, it is a matter which could readily be pursued by all concerned within the Plan period.

**Replace the policy with:**

**'Proposals which would extend and/or improve routes for active travel across the parish as shown on Figure 55 will be supported.**

**Development proposals which would have an unacceptable impact on the routes shown in Figure 55 will not be supported unless acceptable routes are provided.'**

*At the end of paragraph 5 of the Justification add the deleted section of the policy on multi-use trails.*

*Delete paragraphs 6-9 of the Justification.*

*Policy T5 Low Carbon Travel Provision*

- 7.129 This policy provides a context for the provision of low carbon travel. It comments that development proposals which support and expand a low carbon transport network around and through the Parish that are appropriately located and have regard Policy D1 will be supported.

- 7.130 The policy has been well-developed and is supported by the County Council.
- 7.131 I recommend modifications so that the policy has the clarity required by the NPPF. I recommend that the second part of the submitted policy is deleted and repositioned into the supporting text. It expands the application of the policy rather than being policy.

**In the first part of the policy replace ‘that is appropriately located and has regard’ with ‘that are appropriately located and have regard’ and ‘impact as set out in D1’ with ‘the contents of Policy D1 of this Plan’**

**Delete the second part of the policy**

*At the beginning of paragraph 1 in the Justification add:*

*‘Policy T5 sets out a broader context for low carbon travel. These include the provision low carbon methods of travel rental and or pool vehicle enterprises and associated operational infrastructure and the delivery of secure locations for combined parking and charging of low carbon travel options.’*

*Policy NE1 Protecting Woodland*

- 7.132 This policy sets out a wide-ranging policy to protect woodland.
- 7.133 I recommend that the order of the parts is reconfigured so that the policy reads in a more logical fashion. This will bring the clarity required by the NPPF. I also recommend consequential modifications to the wording used in the policy.

**Reorder the policy so that part C becomes part A, so that part A becomes part B and so that part B becomes part C.**

**In the revised part A of the policy delete ‘where conditions in A and B are met’**

*Policy NE2 Green Corridors*

- 7.134 This policy comments about the significance of green corridors in the parish. Both the policy and the supporting text present a compelling case for the designation of two green corridors within the built-up parts of the parish. It comments that development proposals that would result in the damage, or deterioration of the green corridors across the Parish are to provide appropriate ecological and landscaping mitigation in the form of new or enhanced corridors.
- 7.135 I recommend detailed modifications to the policy to bring the clarity required by the NPPF. On a specific point I have recommended the reconfiguration of the first part of the policy as requested by BPC in its response to the clarification note.

**Replace the first part of the policy with:**

**‘Development proposals should respond positively to the green corridors across the neighbourhood area. Where appropriate ecological and landscaping migration measures should be incorporated to safeguard the green corridor concerned’**

**Replace the opening part of the second part of the policy with ‘The following woodland areas in Figures 59-62 are designated as green corridors’**

**In the third part of the policy replace ‘permitted’ with ‘supported’**

**In the fourth part of the policy replace ‘significant’ with ‘unacceptable’**

*Policy NE3 Tree Replacement*

- 7.136 The policy comments that a tree replacement scheme should be provided for development proposals that would result in the removal of one or more trees. It also comments that the approach to proposals affecting ancient woodland and veteran trees should align with the approach taken in paragraph 180 (b) of the NPPF.
- 7.137 I sought BPC’s comments on the appropriateness of the level of detail in the policy and have considered its response carefully. On the balance of the evidence, I recommend that several detailed elements of the policy are deleted and are repositioned into the supporting text. I also recommend that the policy refers to trees of value rather than simply to trees. Otherwise, the policy could have unintended consequences or become overly restrictive.
- 7.138 In a more fundamental way I recommend the inclusion of an additional part to the policy which highlights that the starting point for any development proposal should be to retain existing trees and incorporate them into the proposed layout. Otherwise, the policy starts with an immediate presumption that the loss of trees will be acceptable. Such an approach would be contrary to national policy and to the wider ambitions of the Plan.

**Replace the policy with:**

**‘Development proposals should be designed in a way which would safeguard trees which have ecological or amenity value or which contribute positively to local landscape character and incorporate them sensitively within their layouts.**

**Where the loss of trees which have ecological or amenity value is unavoidable development proposals should incorporate a tree replacement scheme.’**

*Replace paragraph 3 of the Justification with: ‘The second part of the policy comments about circumstances where the loss of trees is unavoidable. In these circumstances the required tree replacement scheme should be based on the three following principles [at this point include the details (1-3) in the submitted policy]’*

*Policy NE4 The protection and enhancement of hedgerows*

- 7.139 This policy comments that existing hedgerows are an integral part of the landscape character and biodiversity of the parish, and should be protected in the first instance, enhanced wherever possible and be appropriately managed. It also comments that proposals to create new hedgerows and hedgerows that link with valuable wildlife sites will be supported.
- 7.140 The first part of the policy is a general statement rather than a policy. I recommend that it is deleted and partly repositioned into the supporting text. I also recommend that the third part of the policy (on replacement planting where the loss of hedgerows is unavoidable) is modified to bring the clarity required by the NPPF.

**Delete the first paragraph of the policy.**

**Replace the third part of the policy with: ‘Where the removal of all or part of a hedgerow is unavoidable, the development proposal concerned should provide a proportionate level of replacement planting with native trees and hedgerow appropriate to the site.’**

*At the end of paragraph 2 of the Justification add: ‘Existing hedgerows should be protected in the first instance, enhanced wherever possible and managed in a sensitive fashion.’*

*Policy NE5 Landscape and Biodiversity*

- 7.141 This policy comments that development proposals (except for residential extension and alterations) should seek to contribute to a high quality and biodiversity-rich natural environment by demonstrating how a series of matters have been addressed.
- 7.142 The approach taken is commendably comprehensive.
- 7.143 However as submitted the policy excludes residential extensions and alterations. Whilst this may be appropriate given the scale of such developments on the one hand, this type of development will continue to be the most significant within the Plan period. In these circumstances I recommend that the policy is recast so that it would apply on a proportionate basis, and therefore capture minor and domestic proposals.

- 7.144 In criterion d I recommend the deletion of the reference to potential changes in national legislation on biodiversity net gain. If this happens that policy would naturally supersede the effect of the neighbourhood plan policy. I also recommend the deletion of the final paragraph of the policy based on BPC's response to the clarification note.

**Replace the opening part of the policy with:**

**'As appropriate to their scale, nature and location development proposals should contribute to a high quality and biodiversity-rich natural environment by demonstrating how the following matters are to be addressed:'**

**In criterion d delete '(unless exceeded by national policy)'.**

**Delete the final paragraph of the policy.**

*Policy NE6 Local Green Spaces*

- 7.145 The policy sets out to designate five local green spaces (LGS). Their proposed designation is underpinned by the details in Appendix 27 which assesses the spaces concerned against national guidance on this matter in the NPPF. I am satisfied that their designation meets the basic conditions.
- 7.146 I recommend that the policy element is modified so that it takes on the matter-of-fact approach set out in the NPPF (paragraph 103). Whilst the type of proposals which BPC has in mind may be acceptable this will be a matter for EDDC to assess on their merit rather than as a matter of policy. I recommend that BPC's approach to this matter is captured in the supporting text.
- 7.147 The final part of the policy identifies potential locations for future LGSs. They may be appropriate in due course. However, LGSs need to be designated based on information at the time a Plan is being prepared. Any additional proposed LGSs will need to be appraised and proposed as and when any 'made' Plan is reviewed. As such I recommend that this element of the policy is deleted.

**Replace the second paragraph with: 'Development proposals affecting the designated local green spaces will only be supported in very special circumstances.'**

**Delete the final paragraph.**

*At the end of paragraph 6 of the Justification add: 'Policy NE6 follows the matter-of-fact approach in the NPPF. If development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the District Council. It will be able to make an informed*

*judgement on the extent to which the proposal concerned demonstrates the ‘very special circumstances’ required by the policy. Appropriate proposals might include schemes which would enhance the accessibility, biodiversity, and community and/or educational value of these spaces.’*

#### *Policy NE7 Flood Management*

- 7.148 This policy sets out a comprehensive approach towards flood management in the parish. It comments that development proposals where appropriate will be expected to demonstrate how natural flood management measures are to be accommodated to ensure the efficient management of flood risk.
- 7.149 I recommend a series of modifications to bring the clarity required by the NPPF. The modification to the second part of the policy seeks to simplify an otherwise complicated approach. Plainly engineered flood defence schemes will only come forward if a need for such works has been identified and costed by the relevant organisations.

**In the first part of the policy replace ‘are to be accommodated’ with ‘will be incorporated’**

**Replace the second part of the policy with:**

**‘Proposals for engineered flood defence scheme along the Rivers Culm, Cranny and Clyst that will significantly improve natural flood and water management will be supported where they:’**

**In the third part of the policy replace ‘are encouraged and supported’ with ‘will be supported’**

**Throughout the policy replace ‘D1’ with ‘Policy D1’**

#### *Review of the Plan*

- 7.150 Appendix 1 of the Plan comments about the way in which the Plan would be monitored and reviewed. It does so to good effect. It acknowledges that the Plan may need to be refreshed and updated as either national or local planning policies change. The details in the Appendix correctly identify that any judgement on proceeding with a review of the Plan is a matter of judgement for BPC.
- 7.151 Within this context I recommend that Appendix 1 makes a more explicit reference to the emerging East Devon Local Plan which will address the period up to 2040. Plainly the adoption of that Plan may have implications for the policies which will exist in any ‘made’ neighbourhood plan at that time. In specific terms I recommend that BPC considers the need or otherwise for a

partial or full review of a made neighbourhood plan once the emerging Local Plan has been adopted.

- 7.152 In addition given the significance of this matter (and the wider information in the Appendix itself) that it is incorporated into the main body of the Plan.

*Replace the text at the top of page 5 of Appendix 1 with:*

*'Review and Revision of Broadclyst Neighbourhood Plan*

*Reviewing the BNP to assess any need for revision should be done as part of the monitoring process.*

*One or more of organisation such as the District Council, statutory undertakers, strategic bodies, and local stakeholders could highlight the need for revision. The decision to revise the Plan and subsequent actions to achieve this can however only be undertaken by Broadclyst PC as the qualifying body*

*Updating the Broadclyst Neighbourhood Plan*

*There is no statutory timeframe within which neighbourhood plans are required to be reviewed or updated, but this could be affected by the findings of the annual monitoring reports. Over time, the Plan, its policies, and community actions may become out of date*

*The Parish Council will monitor changes in circumstances affecting the Plan in a very careful fashion. A key matter will be progress on the emerging Local Plan for East Devon. This plan will cover the period up to 2040. The Parish Council will consider the need or otherwise for any review or update of the neighbourhood plan once the emerging Local Plan has been adopted.'*

*Incorporate Appendix 1 as an additional chapter in the Plan.*

*Other matters - General*

- 7.153 This report has recommended a series of modifications both to the policies and to the text in the submitted Plan. Where consequential changes to the text are required directly as a result of my recommended modification to the policy concerned, I have highlighted them in this report. However other changes to the general text may be required elsewhere in the Plan as a result of the recommended modifications to the policies. It will be appropriate for EDDC and BPC to have the flexibility to make any necessary consequential changes to the general text. This includes the work which BPC is undertaking to correct the Plan to take account of setting and typographical issues. I recommend accordingly.

*Modification of general text (where necessary) to achieve consistency with the modified policies.*

7.154 I have recommended the deletion of a policy in the Plan. Where I have done so, I have also recommended a series of consequential modifications which directly arise. However, it will be appropriate for EDDC and BPC to have the flexibility to make any necessary consequential changes to the text earlier in the Plan, especially where it relates to the structure of the Plan and the schedule of policies. I recommend accordingly.

7.155 In the recommended modification to Policy EC2 I have suggested the use of the word ‘communities’ rather than ‘settlements’. This will help to ensure that a ‘made’ neighbourhood plan does not use language which conflicts with that used in the Local Plan. I recommend that BPC assesses this matter throughout the Plan.

*Modification of general text in the earlier sections of the Plan to take account of the deletion of a policy in the submitted Plan.*

*Use ‘communities’ rather than ‘settlements’ throughout the Plan for places in the neighbourhood area which do not have a defined built-up area boundary in the Local Plan.*

*Other matters – Specific*

7.156 EDDC has made a series of detailed comments on the Plan. They have been very helpful as part of the wider examination process. Where they are necessary to ensure that the Plan meets the basic conditions, I have recommended their incorporation into the Plan on a policy-by-policy basis.

7.157 EDDC has also commented on the general aspects of the Plan. In this context I recommend other modifications to the Plan where they are necessary to ensure that it meets the basic conditions. There are other areas where EDDC has suggested changes to the Plan which are not necessary to ensure that the Plan meets the basic conditions. Whilst these elements would improve the Plan, it is not within my remit simply to improve a Plan based on preference or the style used.

*Corrections should be made to remedy editing and typographical errors throughout the Plan. These errors include figure and page number referencing. In combination with a significant number of acronyms and abbreviations (not all of which are in the list of abbreviations), some unclear wording, wording relating to earlier versions, and/or assuming a high level of prior knowledge, these matters inhibit the overall clarity of the Plan. These issues should be rectified in the referendum/made version of the Plan.*

*Consistent referencing should be throughout the Plan to the most recent version of the NPPF (2021) and to ensure a consistent name for the adopted East Devon Local Plan (2013- 2031).*

*The correct version of the Local Plan West End Inset Map should be used throughout the Plan.*

*Consistent referencing to the latest Use Classes Order should be applied throughout the Plan.*

## 8 Summary and Conclusions

### *Summary*

- 8.1 The Plan sets out a range of policies to guide and direct development proposals in the period up to 2031. It is distinctive in addressing a specific set of issues that have been identified and refined by the wider community.
- 8.2 Following the independent examination of the Plan, I have concluded that the Broadclyst Neighbourhood Development Plan meets the basic conditions for the preparation of a neighbourhood plan subject to a series of recommended modifications.

### *Conclusion*

- 8.3 On the basis of the findings in this report I recommend to East Devon District Council that subject to the incorporation of the modifications set out in this report the Broadclyst Neighbourhood Development Plan should proceed to referendum.

### *Referendum Area*

- 8.4 I am required to consider whether the referendum area should be extended beyond the designated neighbourhood area. In my view, that area is entirely appropriate for this purpose and no evidence has been submitted to suggest that this is not the case. I therefore recommend that the Plan should proceed to referendum based on the neighbourhood area as approved by East Devon District Council on 20 July 2017.
- 8.5 I am grateful to everyone who has helped in any way to ensure that this examination has run in a smooth and efficient manner.

**Andrew Ashcroft**  
**Independent Examiner**  
**28 February 2023**

