

East Devon District Council

**Clyst Honiton
Neighbourhood Plan
2023-2031**

Independent Examiner's Report

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5 September 2024

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Summary

I have been appointed as the independent examiner of the Clyst Honiton Neighbourhood Development Plan.

The Plan area consists of the village of Clyst Honiton and a large rural area in the west end of East Devon. The village itself is historic beside the River Clyst along an old carriage route from Exeter to London. The Plan area lies close to Exeter Airport and various areas of significant growth including the new town of Cranbrook.

The Plan is the result of a long term commitment to producing the Plan by the residents. The foreword to the Plan refers to goodwill and patience and describes the Plan as clear and confident. There is a clarity of thought in what the Plan hopes to achieve. The Plan has 24 policies including a site allocation. The policies cover a wide range of topics from design with a supporting Design Code, Local Green Spaces, employment and much more. The Plan is accompanied by a vast number of supporting documents and appendices which amount to over 1500 pages of information. Many of the documents are helpful; there is, for instance, a very good Basic Conditions Statement, but some can now be removed as the Plan proceeds to the next stages.

It has been necessary to recommend modifications to almost all of the policies. In the main these are intended to ensure the Plan is clear and precise and provides a practical framework for decision-making as required by national policy and guidance. These do not significantly or substantially alter the overall nature of the Plan.

Subject to those modifications, I have concluded that the Plan does meet the basic conditions and all the other requirements I am obliged to examine. I am therefore pleased to recommend to East Devon District Council that the Clyst Honiton Neighbourhood Development Plan can go forward to a referendum.

In considering whether the referendum area should be extended beyond the Neighbourhood Plan area I see no reason to alter or extend this area for the purpose of holding a referendum.

Ann Skippers MRTPI
Ann Skippers Planning
5 September 2024



1.0 Introduction

This is the report of the independent examiner into the Clyst Honiton Neighbourhood Development Plan (the Plan).

The Localism Act 2011 provides a welcome opportunity for communities to shape the future of the places where they live and work and to deliver the sustainable development they need. One way of achieving this is through the production of a neighbourhood plan.

I have been appointed by East Devon District Council (EDDC) with the agreement of the Parish Council, to undertake this independent examination.

I am independent of the qualifying body and the local authority. I have no interest in any land that may be affected by the Plan. I am a chartered town planner with over thirty years experience in planning and have worked in the public, private and academic sectors and am an experienced examiner of neighbourhood plans. I therefore have the appropriate qualifications and experience to carry out this independent examination.

2.0 The role of the examiner and the examination process

Role of the Examiner

The examiner must assess whether a neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B of the Town and Country Planning Act 1990 (as amended).

The basic conditions¹ are:

- Having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the neighbourhood plan
- The making of the neighbourhood plan contributes to the achievement of sustainable development
- The making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area
- The making of the neighbourhood plan does not breach, and is otherwise compatible with, retained European Union (EU) obligations²

¹ Set out in paragraph 8 (2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended) and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

² Substituted by the Environmental Assessments and Miscellaneous Planning (Amendment) (EU Exit) Regulations 2018/1232 which came into force on 31 December 2020

- Prescribed conditions are met in relation to the neighbourhood plan and prescribed matters have been complied with in connection with the proposal for the neighbourhood plan.

Regulations 32 and 33 of the Neighbourhood Planning (General) Regulations 2012 (as amended) set out two additional basic conditions to those set out in primary legislation and referred to in the paragraph above. Only one is applicable to neighbourhood plans and was brought into effect on 28 December 2018.³ It states that:

- The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

The examiner is also required to check⁴ whether the neighbourhood plan:

- Has been prepared and submitted for examination by a qualifying body
- Has been prepared for an area that has been properly designated for such plan preparation
- Meets the requirements to i) specify the period to which it has effect; ii) not include provision about excluded development; and iii) not relate to more than one neighbourhood area and that
- Its policies relate to the development and use of land for a designated neighbourhood area.

I must also consider whether the draft neighbourhood plan is compatible with Convention rights.⁵

The examiner must then make one of the following recommendations:

- The neighbourhood plan can proceed to a referendum on the basis it meets all the necessary legal requirements
- The neighbourhood plan can proceed to a referendum subject to modifications or
- The neighbourhood plan should not proceed to a referendum on the basis it does not meet the necessary legal requirements.

If the plan can proceed to a referendum with or without modifications, the examiner must also consider whether the referendum area should be extended beyond the neighbourhood plan area to which it relates.

If the plan goes forward to referendum and more than 50% of those voting vote in favour of the plan then it is made by the relevant local authority, in this case EDDC. The

³ Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018

⁴ Set out in sections 38A and 38B of the Planning and Compulsory Purchase Act 2004 as amended by the Localism Act and paragraph 11(2) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended)

⁵ The combined effect of the Town and Country Planning Act Schedule 4B para 8(6) and para 10 (3)(b) and the Human Rights Act 1998

plan then becomes part of the 'development plan' for the area and a statutory consideration in guiding future development and in the determination of planning applications within the plan area.

Examination Process

It is useful to bear in mind that the examiner's role is limited to testing whether or not the submitted neighbourhood plan meets the basic conditions and other matters set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended) and paragraph 11 of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended).⁶

Planning Practice Guidance (PPG) confirms that the examiner is not testing the soundness of a neighbourhood plan or examining other material considerations.⁷

In addition, PPG is clear that neighbourhood plans are not obliged to include policies on all types of development.⁸ Often, as in this case, representations suggest amendments to policies or new policies or put forward other alternative suggestions including site allocations. It is my role to consider the submitted plan. Where I find that the submitted policies do meet the basic conditions, it is not necessary for me to consider if further amendments or additions are required.

Additionally in this case, EDDC has made a number of non-policy specific comments regarding unsubstantiated or misleading comments. I have reached the conclusion that these comments do not go to the heart of my role which is relatively limited in relation to the basic conditions.

PPG⁹ explains that it is expected that the examination will not include a public hearing. Rather the examiner should reach a view by considering written representations. Where an examiner considers it necessary to ensure adequate examination of an issue or to ensure a person has a fair chance to put a case, then a hearing must be held.¹⁰

I sought clarification on a number of matters from the Parish Council and EDDC in writing on 18 July 2024 and my list of questions is attached to this report as Appendix 2. I am grateful to both Councils who have provided me with responses (all publicly available) which have enabled me to examine the Plan without the need for a hearing.

In 2018, the Neighbourhood Planning Independent Examiner Referral Service (NPIERS) published guidance to service users and examiners. Amongst other matters, the guidance indicates that the qualifying body will normally be given an opportunity to comment upon any representations made by other parties at the Regulation 16 consultation stage should they wish to do so. There is no obligation for a qualifying

⁶ Paragraph 11(3) of Schedule A2 to the Planning and Compulsory Purchase Act 2004 (as amended) and PPG para 055 ref id 41-055-20180222,

⁷ PPG para 055 ref id 41-055-20180222

⁸ Ibid para 040 ref id 41-040-20160211

⁹ Ibid para 056 ref id 41-056-20180222

¹⁰ Ibid

body to make any comments; it is only if they wish to do so. The Parish Council made comments on the Regulation 16 stage representations and those made during the further period of consultation and I have taken these into account.

I am very grateful to everyone for ensuring that the examination has run so smoothly and in particular Angela King at EDDC.

I made an unaccompanied site visit to familiarise myself with the Plan area on 26 June 2024.

Modifications and how to read this report

Where modifications are recommended they appear in a bullet point list of **bold text**. Where I have suggested specific changes to the wording of the policies or new wording these appear in **bold italics** in the bullet point list of recommendations. Modifications will always appear in a bullet point list.

As a result of some modifications consequential amendments may be required. These can include changing policy numbering, section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on.

I regard these issues as primarily matters of final presentation and do not specifically refer to all such modifications, but have an expectation that a common sense approach will be taken and any such necessary editing will be carried out and the Plan's presentation made consistent.

3.0 Neighbourhood plan preparation

A Consultation Statement has been submitted. It meets the requirements of Regulation 15(2) of the Neighbourhood Planning (General) Regulations 2012. A number of appendices accompany the Consultation Statement.

There is a very helpful summary of key events and engagement activities in the Consultation Statement.

Work started in the Autumn of 2014 with a number of 'voice events'. A Community Survey was distributed to all households towards the end of 2014. This had an excellent response rate of some 93%. Meetings were held with landowners. A 'Call for Sites' was held in early 2015. The Revel Fayre held in May 2015 gave an opportunity at this event for the community to vote on six potential housing sites. The annual Fayre was used as a way of gauging community feedback on a number of issues. Further events were held including breakfast meetings for local businesses and landowners/agents and a pizza event for young people. A Housing Needs Survey was conducted in February 2020.

Throughout the production of the Plan, the community was kept informed through Facebook, Community Association and Parish Council meetings, noticeboards, newsletters, the Church and at other events.

Pre-submission (Regulation 14) consultation took place between 9 June and 11 August 2023. Online and hard copies of the Plan were available as well as a summary document. A social media campaign to publicise the consultation took place. A Health Check and further consultation with EDDC was held to further refine the draft submission plan.

I consider that the consultation and engagement carried out is satisfactory.

Submission (Regulation 16) consultation was carried out between 28 February – 12 April 2024.

The Regulation 16 stage resulted in 13 representations from 11 individuals or organisations.

I have considered all of the representations and taken them into account in preparing my report.

4.0 Compliance with matters other than the basic conditions

I now check the various matters set out in section 2.0 of this report.

Qualifying body

Clyst Honiton Parish Council is the qualifying body able to lead preparation of a neighbourhood plan. This requirement is satisfactorily met.

Plan area

The Plan area is not coterminous with the administrative boundary for the Parish for various reasons but essentially because the strategic sites of Exeter Airport, Skypark, Cranbrook, Business Park and the Intermodal Freight Facility are excluded. EDDC approved the designation of the Plan area on 2 April 2014. The Plan area is shown on page ten of the Plan. The Plan relates to this area and does not relate to more than one neighbourhood area and therefore complies with these requirements.

Plan period

The Plan period is 2023 – 2031. This is clearly stated in the Plan itself and confirmed in the comprehensive Basic Conditions Statement. The requirement is therefore satisfactorily met.

Excluded development

The Plan does not include policies that relate to any of the categories of excluded development and therefore meets this requirement. This is also helpfully confirmed in the Basic Conditions Statement.

Development and use of land

Policies in neighbourhood plans must relate to the development and use of land. Sometimes neighbourhood plans contain aspirational policies or projects that signal the community's priorities for the future of their local area, but are not related to the development and use of land. If I consider a policy or proposal to fall within this category, I will recommend it be clearly differentiated. This is because wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable.¹¹

In this instance, community projects have been identified. The Plan explains what they are, including through a Neighbourhood Plan cake¹² and there is an appendix¹³ on the projects. They are clearly distinguishable from the planning policies. I consider this to be an appropriate approach for this particular Plan.

5.0 The basic conditions

Regard to national policy and advice

The Government revised the National Planning Policy Framework (NPPF) on 19 December 2023 and updated it on 20 December 2023. This revised NPPF replaces the previous NPPFs published in March 2012, revised in July 2018, updated in February 2019, revised in July 2021 and updated in September 2023.

The NPPF is the main document that sets out the Government's planning policies for England and how these are expected to be applied.

In particular it explains that the application of the presumption in favour of sustainable development will mean that neighbourhood plans should support the delivery of strategic policies in local plans or spatial development strategies and should shape and direct development that is outside of these strategic policies.¹⁴

¹¹ PPG para 004 ref id 41-004-20190509

¹² The Plan pages 8, 9, 12,14, Chapter Tables page 31 onwards and the Implementation, Monitoring and Reviewing the Plan section on page 134 onwards

¹³ Appendix 20 of the Plan

¹⁴ NPPF para 13

Non-strategic policies are more detailed policies for specific areas, neighbourhoods or types of development.¹⁵ They can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment as well as set out other development management policies.¹⁶

The NPPF also makes it clear that neighbourhood plans gives communities the power to develop a shared vision for their area.¹⁷ However, neighbourhood plans should not promote less development than that set out in strategic policies or undermine those strategic policies.¹⁸

The NPPF states that all policies should be underpinned by relevant and up to date evidence; evidence should be adequate and proportionate, focused tightly on supporting and justifying policies and take into account relevant market signals.¹⁹

Policies should be clearly written and unambiguous so that it is evident how a decision maker should react to development proposals. They should serve a clear purpose and avoid unnecessary duplication of policies that apply to a particular area including those in the NPPF.²⁰

On 6 March 2014, the Government published a suite of planning guidance referred to as Planning Practice Guidance (PPG). This is an online resource available at www.gov.uk/government/collections/planning-practice-guidance which is regularly updated. The planning guidance contains a wealth of information relating to neighbourhood planning. I have also had regard to PPG in preparing this report.

PPG indicates that a policy should be clear and unambiguous²¹ to enable a decision maker to apply it consistently and with confidence when determining planning applications. The guidance advises that policies should be concise, precise and supported by appropriate evidence, reflecting and responding to both the planning context and the characteristics of the area.²²

PPG states there is no 'tick box' list of evidence required, but proportionate, robust evidence should support the choices made and the approach taken.²³ It continues that the evidence should be drawn upon to explain succinctly the intention and rationale of the policies.²⁴

Whilst this has formed part of my own assessment, the Basic Conditions Statement comprehensively sets out how the Plan's policies correspond to the NPPF.

¹⁵ NPPF para 28

¹⁶ Ibid

¹⁷ Ibid para 29

¹⁸ Ibid

¹⁹ Ibid para 31

²⁰ Ibid para 16

²¹ PPG para 041 ref id 41-041-20140306

²² Ibid

²³ Ibid para 040 ref id 41-040-20160211

²⁴ Ibid

Contribute to the achievement of sustainable development

A qualifying body must demonstrate how the making of a neighbourhood plan would contribute to the achievement of sustainable development.

The NPPF confirms that the purpose of the planning system is to contribute to the achievement of sustainable development.²⁵ This means that the planning system has three overarching and interdependent objectives which should be pursued in mutually supportive ways so that opportunities can be taken to secure net gains across each of the different objectives.²⁶ The three overarching objectives are:²⁷

- a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

The NPPF confirms that planning policies should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account to reflect the character, needs and opportunities of each area.²⁸

Whilst this has formed part of my own assessment, the Basic Conditions Statement sets out how the Plan contributes towards the achievement of the sustainable development goals defined in the NPPF including through showing which objective(s) will be achieved by each policy. The Plan is also accompanied by a Sustainability Appraisal which considers each policy against the three sustainable development objectives.

General conformity with the strategic policies in the development plan

The development plan comprises the East Devon Local Plan 2013 – 2031 (LP), adopted on 28 January 2016, the East Devon Villages Plan adopted on 26 July 2018 and the Devon Minerals Plan and the Devon Waste Plan. There are also a number of other made neighbourhood plans which form part of the development plan, but are not

²⁵ NPPF para 7

²⁶ Ibid para 8

²⁷ Ibid

²⁸ Ibid para 9

relevant to this Plan area.

The LP is in two parts; Part One contains the strategic policies and Part Two the development management policies of the Plan.

Whilst this has formed part of my own assessment, the Basic Conditions Statement discusses how the Plan policies generally conform to the LP.

Where I have not specifically referred to a strategic policy, I have considered all strategic policies in my examination of the Plan.

Emerging Local Plan

A new local plan for the period 2020 – 2040 is being prepared by EDDC.

The emerging local plan includes a proposal to allocate land for a new town with the preferred option that falls partly within the southern part of Clyst Honiton.

There is no legal requirement to examine the Plan against emerging policy. However, PPG²⁹ advises that the reasoning and evidence informing the local plan process may be relevant to the consideration of the basic conditions against which the Plan is tested.

Furthermore Parish Councils and local planning authorities should aim to agree the relationship between policies in the emerging neighbourhood plan, the emerging local plan and the adopted development plan with appropriate regard to national policy and guidance.³⁰

It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan because the Planning and Compulsory Purchase Act 2004 requires that any conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.³¹

PPG advises that where a neighbourhood plan has been brought into force, the local planning authority should take its policies and proposals into account when preparing the local plan. Local plan policies should not duplicate those in the neighbourhood plan, and do not need to supersede them unless changed circumstances justify this. It is important for local plans to make appropriate reference to neighbourhood plan policies and similarly for neighbourhood plans to acknowledge local plan policies that they relate to.³²

I have referred to the emerging local plan in this report where I have felt it relevant to do so.

²⁹ PPG para 009 ref id 41-009-20190509

³⁰ Ibid

³¹ Ibid

³² Ibid para 006 ref id 61-006-20190723

European Union Obligations

A neighbourhood plan must be compatible with retained European Union (EU) obligations. A number of retained EU obligations may be of relevance for these purposes including those obligations in respect of Strategic Environmental Assessment, Environmental Impact Assessment, Habitats, Wild Birds, Waste, Air Quality and Water matters.

With reference to Strategic Environmental Assessment (SEA) requirements, PPG³³ confirms that it is the responsibility of the local planning authority, in this case EDDC, to ensure that all the regulations appropriate to the nature and scope of the draft neighbourhood plan have been met. It states that it is EDDC who must decide whether the draft plan is compatible with relevant retained EU obligations when it takes the decision on whether the plan should proceed to referendum and when it takes the decision on whether or not to make the plan.

Strategic Environmental Assessment and Habitats Regulations Assessment

The provisions of the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') concerning the assessment of the effects of certain plans and programmes on the environment are relevant. The purpose of the SEA Regulations, which transposed into domestic law Directive 2001/42/EC ('SEA Directive'), are to provide a high level of protection of the environment by incorporating environmental considerations into the process of preparing plans and programmes.

The provisions of the Conservation of Habitats and Species Regulations 2017 (the 'Habitats Regulations'), which transposed into domestic law Directive 92/43/EEC (the 'Habitats Directive'), are also of relevance to this examination.

Regulation 63 of the Habitats Regulations requires a Habitats Regulations Assessment (HRA) to be undertaken to determine whether a plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. The HRA assessment determines whether the Plan is likely to have significant effects on a European site considering the potential effects both of the Plan itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, an appropriate assessment of the implications of the Plan for that European Site, in view of the Site's conservation objectives, must be carried out.

A SEA and HRA Screening Report on the pre-submission version of the Plan, updated in May 2023 and prepared by EDDC, screens the Plan out for SEA, but not HRA. The Screening Report included an appropriate assessment. This concluded that the modest level of development proposed through the Plan can be appropriately mitigated through existing strategic mitigation in the form of LP Strategic 5 of the East Devon

³³ PPG para 031 ref id 11-031-20150209

Local Plan, implemented through the South East Devon European Site Mitigation Strategy.

The statutory bodies were consulted on the Screening Report. The Environment Agency (EA) offered no comments on the screening opinion. Historic England (HE) disagreed indicating SEA was needed. Natural England (NE) indicated that significant effects on statutorily designated nature conservation sites or landscapes were unlikely and that significant effects on Habitats sites, either alone or in combination, were unlikely.

However, an Environmental Report (ER) dated January 2024 has been submitted. The ER confirms that a Scoping Report was prepared and sent to the statutory consultees. The ER focused on nine key sustainability issues. It was published for consultation alongside the submission version of the Plan.

The ER concludes that the Plan is likely to lead to significant positive effects in relation to the population and community, health and well-being and transportation themes, positive effects on the land, soil and water resources theme, neutral to minor positive effects on the climate change theme and will provide a robust basis for the protection and enhancement of landscape and villagescape character and provide beneficial approaches in relation to the environmental quality and biodiversity themes.

The ER is a comprehensive document that deals with the issues appropriately for the content and level of detail in the Plan. This in line with PPG advice that confirms the SEA does not have to be done in any more detail or using more resources than is considered to be appropriate for the content and level of detail in the Plan.³⁴ In my view, it has been prepared in accordance with Regulation 12 of the Environmental Assessment of Plans and Programmes Regulations 2004. Therefore I consider that retained EU obligations in respect of SEA have been satisfied.

Turning now to HRA, on 28 December 2018, the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended) was substituted by a new basic condition brought into force by the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which provides that the making of the plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

A HRA Report dated January 2024 has been prepared which includes screening and an appropriate assessment for the policies identified as having potential HRA implications.

The Report identifies five European sites to consider; the Exe Estuary Ramsar and Special Protection Area (SPA), the East Devon Pebblebed Heaths Special Area of Conservation (SAC), the East Devon Heaths SPA and the Dawlish Warren Heath SAC.

The Report concludes that “..in combination with growth allocated across adjoining authorities, the ... Plan in consideration of the mitigation measures outlined in the

³⁴ PPG para 030 ref id 11-030-20150209

overarching East Devon Local Plan, will not result in adverse effects on the integrity of international designated sites”.³⁵

Given the conclusion of the Report and taking into account the nature and characteristics of the European sites and the nature and contents of this Plan, I consider that the prescribed basic condition is complied with, namely that the making of the Plan does not breach the requirements of Chapter 8 of Part 6 of the Habitats Regulations.

Conclusion on retained EU obligations and the prescribed basic condition

At Regulation 16 stage, the statutory consultees have had an opportunity to comment on the SEA and HRA documents prepared by AECOM. The EA did not respond, HE reiterated earlier comments and concerns, but did not specifically refer to SEA and HRA. NE indicated EDDC should satisfy themselves that the level of development proposed can be appropriately mitigated through existing strategic mitigation.

National guidance establishes that the ultimate responsibility for determining whether a plan meets EU obligations lies with the local planning authority.³⁶ In undertaking work on SEA and HRA, EDDC has considered the compatibility of the Plan in regard to retained EU obligations and does not raise any concerns in this regard. EDDC will also review this again in reaching a view on whether the Plan can proceed to referendum following receipt of my report.

European Convention on Human Rights (ECHR)

The Basic Conditions Statement contains a statement in relation to human rights.³⁷ Having regard to the Basic Conditions Statement, there is nothing in the Plan that leads me to conclude there is any breach or incompatibility with Convention rights.

6.0 Detailed comments on the Plan and its policies

In this section I consider the Plan and its policies against the basic conditions. Where modifications are recommended they appear in **bold text**. As a reminder, where I suggest specific changes to the wording of the policies or new wording these appear in ***bold italics***.

The Plan is presented to a high standard and contains 24 policies. There is a helpful contents page at the start of the Plan alongside an acknowledgements page and foreword which sets the scene.

³⁵ HRA page 25

³⁶ PPG para 031 ref id 11-031-20150209

³⁷ Basic Conditions Statement page 49

The Plan's writers have used a technique of setting out the intention of each policy, the policy itself followed by a justification section; this works well and adds clarity to the Plan.

Consideration could now be given to removing some of the background information for example about the changes made to the Plan following the pre-submission stage at the next stages of Plan production or the evolution of the designation of the Plan area. This was useful background at earlier stages of Plan making, but there may now be an opportunity to remove some of this at the latter stages of Plan production. The same applies to the plethora of appendices accompanying the Plan; some may now be redundant or unnecessary. However, this is a matter of preference and not a matter I need to cover in respect of my role.

It would however be helpful to update NPPF references. This recommendation applies throughout the Plan and is not repeated elsewhere in this report.

There are also a number of consequential amendments that will need to be carried out. I regard these as minor updates and these can be agreed between the Parish and District Councils.

- **Update references to the NPPF as necessary throughout the Plan**

About the Clyst Honiton Plan Area: Our Story

This is a helpful introduction to the Plan. It sets out the background and then describes the Plan area and its history.

The Plan divides the Plan area into two zones; A and B. Zone A is essentially the village and flood plain. Zone B is the area south east of the A30 and is formed of the more rural, traditionally farmland area.

Exeter and Devon Airport Ltd (EDAL) has commented that some of the text in sub section 2.3, Spatial Context of Clyst Honiton, is misleading. I do not share this concern as it represents the local community's thinking.

Vision Statement and Aims and Objectives

The vision statement is:

“Clyst Honiton is a happy and healthy community which is inspired by positive change for those living and working in the Plan Area.

The wellbeing of our rural and village communities is enhanced by spaces which

provide a strong community and business focus which harness community spirit.

Clyst Honiton aspires to be an attractive, friendly, safe place, encouraging a diverse community to set down their roots and value their river and rural landscape.”

The vision statement is supported by aims and objectives. This is divided into a topic based chapter by chapter table starting on page 31 of the Plan. The table sets out the aims and objectives, the relevant policy codes which will help to deliver the aims and objectives and a series of community projects.

The vision statement, aims and objectives are well articulated, relate to the development and use of land and are unique to this Plan area.

EDDC have asked me to consider whether there is some conflict between the vision and the aims and objectives, particularly in relation to climate change and sustainable development, given the Plan’s policies support for various development including tourism accommodation, live work accommodation and so forth in what is presently classed as open countryside.

I have considered this issue carefully with particular focus on the objectives of the relevant development plan policies which seem to me to essentially seek to protect the character and appearance of the countryside.

National policy is supportive of the need to sustain rural communities. In this case, I find that Clyst Honiton is a short distance from Exeter and the settlement of Cranbrook. There are various clusters of dwellings and employment sites scattered throughout the Plan area including the Airport and its surrounding development. At the local level, the village has a Church, a public house and a play area. I do not consider the area to be isolated.

I have also noted LP Strategy 7 which deals with development in the countryside and specifically refers to neighbourhood plan policies that explicitly permit development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located. In general terms, the policies in this Plan have sufficient safeguards to ensure the objectives of the LP are not compromised and where I feel there should be more, I have recommended a modification.

Furthermore a Sustainability Appraisal accompanies the Plan and does not identify any negative impacts in respect of the relevant non site-specific policies.

Lastly, the area surrounding the Plan area has seen significant growth and the emerging LP, whilst at an early stage, identifies a similar area as a possible strategic location for further growth citing its location near Exeter and of course the Plan area is surrounded by strategic sites as well as being in close proximity to Exeter Airport.

Taking all these factors into account, I do not consider that the very limited development which could be permitted by the policies in this Plan would adversely affect the strategy or distribution of development for the whole EDDC area. Instead they would go some way to promoting development the local community considers is necessary at the local level to provide opportunities for residents and to sustain its future.

A representation from the Devon Countryside Access Forum also asks that mobility scooters and horse riders are referred to and multi-use routes. I see that the table on page 36 of the Plan refers to multi-user routes and consider this reference sufficient in this part of the Plan.

Plan Policies

Community Facilities

The NPPF states that policies should plan positively for community facilities and other local services and guard against the unnecessary loss of valued facilities and services as part of its drive to promote healthy and safe communities.³⁸ In relation to more rural areas, the NPPF expects planning policies to enable the retention and development of accessible local services and community facilities.³⁹

LP Strategy 3 has five issues; firstly the conservation and enhancement of the environment including the protection and enhancement of biodiversity, reducing flood risk and maximizing development on previously developed land. Secondly, prudent natural resource use including encouragement for renewable energy development. Thirdly, promoting social wellbeing which includes the provision of facilities such as recreation space and village halls. Fourthly, encouraging sustainable economic development. Lastly, taking a long term view to ensure future generations live in a high quality environment.

LP Strategy 4 seeks to secure balanced communities. Amongst other things, the policy recognises the importance of securing social, educational, green infrastructure and health and community facilities. The policy also refers to securing employment provision across East Devon and achieving more age balanced communities.

LP Strategy 7 refers to development in the countryside. As Clyst Honiton is a settlement which does not have a built-up area boundary, the whole of the Plan area is regarded as countryside. Development will only be permitted when it is in accordance with a specific local or neighbourhood plan policy that explicitly permits such development and it would not harm the landscape, amenity and environmental qualities of its location. This includes settlement pattern, landscape features and the adverse disruption of a view and consideration of visual intrusion.

³⁸ NPPF para 97

³⁹ Ibid para 88

The Plan explains there is a lack of community meeting places in the Plan area.

There are three policies in this section. **Policy C1: Community Facilities and Services** identifies four facilities which make an important contribution to creating a cohesive and inclusive local community. The policy supports the redevelopment of these facilities which are a Church, two public houses and the Parish Field, where they are replaced by equivalent or better community provision.

The next element of the policy guards against the loss or change of use of community facilities in general. The policy only supports such a scenario where alternative provision is made in an accessible location or where it can be demonstrated that the facility is no longer economically viable.

I consider the policy would benefit from some amendment to ensure it is clear and robust in order to meet the aims of the Plan. In particular, I am concerned about the support for redevelopment of the four facilities identified as this could be interpreted as offering support to the loss of the buildings themselves as well as the uses.

Policy C2: New Community Building supports the provision of a new community building in or near the village of Clyst Honiton accessed by walking or cycling. An outdoor space and parking is supported. Such provision is also supported through a local housing needs residential scheme where this is needed to make the community building element viable. Any such proposal should be supported by the local community either through a Neighbourhood Development Order or pre-application community engagement.

Policy C2 is a positive policy seeking to drive forward the local community's support for better infrastructure in the form of a new community building to replace those lost over recent years. It is acceptable that such a scheme would be facilitated by some new housing which is more than likely essential to enable the delivery of such a building. However, the policy would benefit from greater clarity and precision. Modifications to it are therefore recommended and these will help to address matters raised in representations from EDDC and EDAL.

In relation to the quantum of housing needed to support a new community building, the changes to the policy will ensure this is not disproportionate. The facilitation of development through enabling development is a common mechanism for providing such infrastructure.

A modification is also made to ensure that any such new building is located appropriately as this is a general policy that could support development on a variety of sites.

Policy C3: New Community Facilities and Services supports such facilities throughout the Plan area and at the River Clyst Park which is specifically referenced. The policy has a number of criteria relating to design, amenity, need, parking and access which will ensure that new facilities are appropriate.

The landowner of River Clyst Park has objected to the inclusion of this area and the specific support of the policy for new community facilities on this land. The landowner explains that public access to the area is restricted. This part of the policy appears therefore to be undeliverable and a modification is made to delete the reference to the River Clyst Park.

I also recommend deletion of the fourth criterion of this policy because it is unclear to me how this might be demonstrated and is, in any case, potentially too restrictive should a proposal come forward for a non-leisure or recreational related use.

I have also considered whether Policies C2 and C3 should be amalgamated. I have changed references in Policy C2 to new community “facility” to “building” as this policy is an enabling policy for a community building specifically supported through various mechanisms by the community. I see Policy C3 as a more general policy.

With the modifications to **Policies C1, C2 and C3**, all three policies will meet the basic conditions by having regard to national policy and guidance, being in general conformity with LP Strategy 3, 4 and 7 in particular and helping to achieve sustainable development.

▪ **Amend Policy C1 to read:**

“The Neighbourhood Plan identifies the following community facilities which make an important contribution to creating a cohesive and inclusive local community:

- 1. St Michaels and All Angels Church.**
- 2. The Duke of York Public House.**
- 3. The Exeter Inn Public House.**
- 4. The Parish Field.**

Proposals which retain or enhance the above uses or their roles as valued community facilities will be supported.

The loss of all or part of a community use including, but not limited to those identified above, will not be supported unless:

- the proposal *is for or includes* an alternative community use that would provide *equivalent or greater community* benefits to the local community, and is no less accessible to the community and where possible, *offers* greater levels of accessibility; or**
- it can be demonstrated that the community facility is no longer *economically viable* (in the case of public houses, they should provide *appropriate and proportionate* marketing information and viability studies that *satisfactorily demonstrate* that the current use or an alternative *community* use is not viable).”**

- **Revise Policy C2 to read:**

“The provision of a new community **building** in or near the village where it can be accessed by Clyst Honiton residents through active travel and, where appropriate, with additional provision of an outdoor community space and parking **is supported in appropriate locations.**”

Residential development on the site will be supported where this is essential to enable the delivery of the community building. The number of new homes provided must be proportionate to enable the delivery of the scheme, be at the discretion of the local planning authority and reflect and meet local housing needs.

Schemes will be supported through:

- 1) A Neighbourhood Development Order or**
- 2) Submission of a community engagement statement detailing the pre-application engagement activity with the community and wider stakeholders.”**

- **Delete the words “Proposals to bring forward new community facilities at the River Clyst Park (Policy NE3) will be supported.” from Policy C3 and amend the [existing] second sentence of the policy to read: “Proposals for new community facilities in the Neighbourhood Plan Area will be supported where:”**
- **Delete the fourth bullet point from Policy C3 which reads: “where there is a proven need for development to extend the existing leisure and or recreation experience for the community”**
- **Delete paragraph 4 on page 43 of the Plan as a consequential amendment to the supporting text given the modification to Policy C3**

Design

This sub section has nine policies relating to design.

The NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.⁴⁰ Being clear about design expectations is essential for achieving this.⁴¹

It continues that neighbourhood planning groups can play an important role in identifying the special qualities of an area and explaining how this should be reflected in development.⁴² It refers to design guides and codes to help provide a local framework

⁴⁰ NPPF para 131

⁴¹ Ibid

⁴² Ibid para 132

for creating beautiful and distinctive places with a consistent and high quality standard of design.⁴³

It continues that planning policies should ensure developments function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history whilst not preventing change or innovation, establish or maintain a strong sense of place, optimise site potential and create places that are safe, inclusive and accessible.⁴⁴

In relation to meeting the challenge of climate change, flooding and coastal change, the NPPF states that the planning system should support the transition to a low carbon future.⁴⁵ The planning system should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.⁴⁶

It continues that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.⁴⁷

The NPPF is clear that planning policies should contribute to and enhance the natural and local environment including through the protection of trees.⁴⁸ It states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change encouraging tree-lined streets and trees to be incorporated in developments such as in parks and community orchards.⁴⁹

LP Strategy 38 refers to sustainable design and construction.

LP Strategy 48 emphasises the importance of local design standards to ensure that towns and villages retain their intrinsic physical built qualities indicating that work with local communities on design statements to guide new development will be carried out. Good design and use of local materials, local forms and styles are integral to the distinctiveness promoted in the LP policy.

The vision statement refers to an attractive Plan area to encourage a diverse community to set down roots and value both the river and rural landscape.

⁴³ NPPF para 133

⁴⁴ Ibid para 135

⁴⁵ Ibid para 157

⁴⁶ Ibid

⁴⁷ Ibid para 158

⁴⁸ Ibid para 180

⁴⁹ Ibid para 136

The Plan explains that six issues of concern were identified through engagement. These are flooding and sewage, lack of car parking, traffic volume, speed and noise and air pollution, light pollution and a lack of green spaces and poor front garden design.

A Village Character Assessment was prepared in 2015. This identified five distinct design areas. Unfortunately the submitted version of this document appears to be incomplete with a number of missing photographs although it still contains useful and valid information. The work on this led to the production of a Design Code.

The Plan recognises that good design is equally important within rural areas. As well as a number of heritage assets, the area is also rich in archaeology.

Unfortunately the Design Code still makes reference to the proposed NDO and draft policy which is no longer in the Plan and includes exempting any community facility from certain aspects of the Design Code. Given there is no NDO at the present time and I cannot find any reason why the Design Code should apply to some developments and not others, it would be helpful to update the Design Code. As it is specifically referred to in the policy, a modification is recommended.

Reference is also made on page 45 of the Plan to six codes whereas the Design Code itself has seven. A modification is made to correct the reference.

Policy DS1: Development of High Quality Design sets out ten principles for new development. The Village Character Assessment and Design Code are referred to. The policy takes account of the issues of concern expressed by the local community such as flooding and also recognises the proximity of Exeter Airport.

A modification is made to make the link to the Design Code more robust. The Design Code should be appended to the Plan. All the other [existing] appendices should become separate supporting documents.

A modification is made to criterion 3 of the policy to bring it in line with the NPPF and to help future proof it.

EDAL has asked for an amendment to criterion 10 of the policy in relation to noise and air pollution. EDDC has asked for a different amendment to the same criterion. A modification is recommended to address the concerns raised.

Policy DS2: Sustainable Design and Construction of Buildings seeks a high standard of sustainable design and construction both in new development and the conversion or extension of existing buildings.

EDDC declared a climate emergency in 2019. The Plan includes a detailed table⁵⁰ that sets out key design issues in relation to climate change, the airport and local business parks. Although the airport and business parks do not fall within the Plan's remit, the

⁵⁰ The Plan, page 52

table sets out issues in generic terms and does not seek to manage development outside the Plan area.

The Government introduced national technical standards for housing in 2015. A Written Ministerial Statement (WMS)⁵¹ explains that neighbourhood plans should not set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.

That WMS is now effectively moot in this respect following a Government Statement on Planning – Local Energy Efficiency Standards Update.⁵² This embeds a general rule of thumb that policies which propose standards or requirements that go beyond current or proposed standards should be rejected at examination if they do not have a well-reasoned and robustly costed rationale. I consider the principle is applicable here.

Having carefully considered the wording of Policy DS2, it does not in itself set standards and is therefore acceptable.

EDAL has asked for an amendment to the policy in relation to noise and air pollution. EDDC has asked for a different revision. A modification is recommended to address the concerns.

Policy DS3: Communications Infrastructure supports better infrastructure provision. It also seeks to ensure that physical structures such as masts are designed and located appropriately.

The provision of high quality and reliable communications infrastructure is widely recognised as essential for economic growth and social well-being.⁵³ The Plan explains that coverage is poor in some parts of the Plan area and this policy will help to remedy that and ensure that good internet access will support and attract new businesses and residents to stay.

Policy DS4: Sustainable Drainage seeks to encourage sustainable drainage and water management for new development. The first element of the policy requires surface water run off to be accommodated within the site. This presumably means the run off generated by the proposal and a modification is made in the interests of clarity.

Secondly, the policy seeks use of natural flood management, SuDs and water recycling features.

Thirdly, the loss of green space to hard surfacing is resisted.

Lastly, SuDs should be designed, where appropriate, to enhance the local river environment and provide benefits such as biodiversity and habitat creation.

⁵¹ Written Ministerial Statement 25 March 2015

⁵² Statement made on 13 December 2023

⁵³ NPPF para 118

The NPPF is clear that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk.⁵⁴ It continues that plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures.⁵⁵

The encouragement for SuDs is in line with the NPPF which encourages new development to incorporate SuDs where appropriate.⁵⁶

EDAL has asked for an amendment to the policy in relation to standing water. A modification is recommended to address the concern.

EDDC has pointed out an issue of clarity in relation to paragraph 4 on page 58 and a modification addresses this.

Policy DS5: Flood Risk Management supports new schemes for flood risk management alongside enhancement of biodiversity and the river environment. It supports a river flow regulation scheme on the River Clyst with a micro hydro renewable energy scheme if supported by the statutory bodies. EDDC has requested some changes to the policy which I consider make it more robust.

The policy also refers to airport safeguarding. EDAL has requested a change to the policy's wording in this respect which I have recommended to address EDAL's concerns.

Policy DS6: Storage Spaces seeks to ensure that new development has integral waste and recycling storage and facilities to store bicycles, scooters or mobility aids. It sets a minimum standard of two bike storage space per dwelling.

I asked for a little more explanation of the two spaces per dwelling requirement. I am informed that this draws on the Cranbrook Development Plan Document and emerging Local Plan. I consider some amendment is needed to the policy to make it clear what is being sought.

EDDC has asked for a modification in relation to bullet point two of the policy which refers to obstruction and I agree this is necessary.

I also recommend some other more minor amendments to the syntax of the policy to make it clearer.

Such a policy will help to ensure that such provision is incorporated early on in the design process in an appropriate way taking into account visual impact and obstruction. I consider that suitable provision will help to promote sustainable transport and address concerns about mobility as well as promoting better quality design.

⁵⁴ NPPF para 157

⁵⁵ Ibid para 158

⁵⁶ Ibid paras 173, 175

Policy DS7: Provision of Charging Points firstly requires all new housing to provide appropriately located charging points for electric bicycles. Secondly, the policy requires development only to provide covered secure cycle parking with charging points where cycle/scooter parking is provided.

The NPPF promotes sustainable transport specifically referencing charging of plug-in or other ultra low emission vehicles.⁵⁷ I cannot see any reason why this cannot be extended to electric bicycles.

The provision of such charging points alongside covered and secure parking/storage facilities will, in my view, help to promote the use of such vehicles.

The LP supports technology including through the use of charging points for electric cars.⁵⁸

However, the policy should be future proofed and a modification is recommended to achieve this.

Policies DS8: Provision and Use of Renewable Energy and DS9: Community Led Renewable Energy Production refer to renewable energy.

To help increase the use and supply of renewable and low carbon energy and heat, the NPPF states that plans should provide a positive strategy for energy from these sources.⁵⁹

Community-led initiatives taken forward through neighbourhood planning should be supported by local planning authorities, including for developments outside areas identified in local plans or other strategic policies.⁶⁰

LP Strategy 39 supports renewable and low energy carbon projects in principle subject to a number of criteria. Wind turbines are only permitted if a neighbourhood plan or development plan document supports them.

Both Policies DS8 and DS9 support renewable energy recognising that there are opportunities in existing buildings as well as new build. Community led initiatives are supported subject to six appropriate criteria.

EDAL has requested a change to Policy DS8 to reflect similar policy in Policy DS9. A modification is recommended accordingly to address EDAL's concerns.

Some modification is recommended to Policy DS9 in the interests of clarity and completeness.

⁵⁷ NPPF para 116

⁵⁸ LP page 114

⁵⁹ NPPF para 160

⁶⁰ Ibid para 161

With the modifications recommended, **Policies DS1 – DS9** will meet the basic conditions by having regard to national policy as set out above, being in general conformity with LP Strategy 3, 7, 38, 39 and 48 in particular and as relevant and helping to achieve sustainable development.

- **Remove all references to the NDO and draft policies in the Design Code on pages 4, 5 and 7**
- **Change the reference in the first paragraph on page 45 of the Plan from “...containing 6 codes...” to “...containing 7 codes...”**
- **Change the first sentence of Policy DS1 to read: “Proposals in the Plan area should have regard to the Clyst Honiton Village Character Assessment (2015) and *accord with* the Clyst Honiton Design Code (2020).”**
- **Change criterion 3 of Policy DS1 to read: “Conserve *or* enhance designated and non-designated heritage assets and their setting. Proposals that affect the significance of heritage assets or their setting will be determined in line with national *policy*.”**
- **Delete the words “where appropriate” in criterion 10 of Policy DS1**
- **Delete the words “Where appropriate” in the last paragraph of Policy DS2**
- **Add the word “*additional*” before “...surface water” in the first paragraph of Policy DS4**
- **Change the last sentence of Policy DS4 to read:**

“The use of retention ponds *or any other feature which might create standing water* will be limited by airport safeguarding legislation.”
- **Amend Policy DS5 to read:**

“Proposals for new flood risk management schemes that will help to improve river water quality and management and reduce flooding in the Plan Area will be supported. *Priority will be given to natural flood management schemes which are preferred to engineered solutions.*

Flood management and/or flood defence proposals should *avoid harm to biodiversity, mitigate any harmful impacts where this is a last resort and take every available opportunity* for natural biodiversity enhancement and habitat creation. Any biodiversity enhancement and habitat creation *must* be made acceptable from an airport safeguarding perspective.

The combination of a river flow regulation structure on the River Clyst with a micro – hydro renewable energy scheme, is supported if it is acceptable

regarding impacts to habitats, biodiversity, geomorphological processes, water quality and flood risk by the specialist bodies (Environment Agency and Flood Risk Authority).”

- Change the second paragraph of Policy DS6 to read:

“Such storage facilities should be designed to ensure that there is:

- *An acceptable visual impact on the public realm,*
- *No obstruction to pedestrians and vehicular access and movement,*
- *Space for the storage of a minimum of 2 bikes per dwelling, and*
- *Sufficient space to accommodate containers provided by the district council for waste and recycling. “*

- Change the words “...the NPPF (2023)...” in the first sentence of Policy DS7 to “...national policy...”

- Add a new paragraph at the end of Policy DS8 which reads:

“Development proposals for such schemes should be designed to ensure that there is no impact on airport safety and operations.”

- Amend Policy DS9 to read:

“Development proposals for renewable energy schemes which are community led or are promoted in partnership with a community organisation and a developer (commercial or non-profit) will be supported.

Such schemes should be designed to:

- 1. Respect the scale, form and character of their location and or countryside setting;*
- 2. Ensure that noise, lighting, vibration, views and vistas, shadow flicker, water pollution and emissions do not cause unacceptable harm on the amenities of local residents and the road network;*
- 3. Have an acceptable impact on local biodiversity ensuring any impacts are appropriately mitigated;*
- 4. Where appropriate, provide natural screening perimeters and new wildlife habitats;*
- 5. Ensure that there is no impact on airport safety and operations.*
- 6. Where appropriate, for livestock farming to continue on the land.*

As technology evolves the renewable energy developments that are no longer in use are to be removed and the site appropriately restored.”

- Amend the last sentence of paragraph four on page 58 of the Plan before the quoted content to read:

“At a recent EDDC meeting (SPC Oct 4th, 2022) the following insert on page 1 of the Committee Report was provided *and is a statement read out on behalf of a resident of Cranbrook.*”

Economy: Business and Jobs

The NPPF is clear that planning policies should help create the conditions in which businesses can invest, expand and adapt.⁶¹ It places significant weight on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.⁶² It continues that the approach should be to allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.⁶³

Planning policies should set out a clear economic vision and strategy which encourages sustainable economic growth whilst meeting anticipated needs over the plan period and being flexible and able to respond to changing economic circumstances.⁶⁴

It should also be recognised that sites to meet local business and community needs in rural areas may have to be found in areas adjacent to or beyond existing settlements and in locations that are not well served by public transport.⁶⁵

In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.⁶⁶

The LP explains that beyond the villages, in the rural areas, the policy approach is one of constraint whilst recognising the needs of those who live and work there. It indicates there may be scope to benefit from limited development specifically to meet a local need such as affordable housing or local employment, but generally it is expected that larger settlements will provide housing, employment and facilities. The LP supports employment uses, particularly skilled employment and the expansion of small businesses.

LP Strategy 28 offers support for sustaining and diversifying the rural economy including through the reuse of rural buildings for business use.

LP Strategy 32 resists the loss of employment, retail and community uses. It sets out a number of criteria that will be considered for change of use proposals.

⁶¹ NPPF para 85

⁶² Ibid

⁶³ Ibid

⁶⁴ Ibid para 86

⁶⁵ Ibid para 89

⁶⁶ Ibid

The Plan explains that the Plan area has become a commuter settlement for Exeter. Despite its origin as a rural Parish, land around the village has been allocated for economic growth. Services and facilities such as the primary school have been lost. Most of the economic sites in the Plan area lie south of the A30.

Existing businesses are shown on a map on page 69 of the Plan. It would be helpful if a key was added for clarity.

Policies E1: Supporting a Rural Economy and **E2: Rural Economy: Live-Work Units** seek to support the rural economy, encouraging diversification.

Policy E1 supports proposals for holiday accommodation and Use Classes E(c) and E(g)(i) in Zone B excluding the Hill Barton Business Park, the largest economic site in the Plan area. Zone B is identified clearly in the Plan⁶⁷ and is the area south/south east of the A30. It is predominately rural farmland crisscrossed by narrow country lanes.

I consider it appropriate to exclude the Hill Barton Business Park as this is subject to policies in the development plan, but of more importance because it only partly falls within the Plan area. I saw at my site visit that the area is cohesive and I consider a comprehensive approach would be preferable for this area. This comment applies to all the policies which refer to the exclusion of the Hill Barton Business Park.

The policy is criteria based to ensure that any development is appropriate for its location.

The Plan explains that these specific use classes have been selected because they reflect the existing provision at Axe Hayes Farm and at other locations in Zone B within which most businesses in the Plan area are to be found.

Some amendment is necessary to Policy E1 in the interests of clarity, but also to ensure that the scale of any business uses in particular given the policy includes those by visiting members of the public is appropriate to the location in which they may be situated.

Policy E2 supports live-work units in the same location; Zone B again with the exception of Hill Barton Business Park. The policy sets out strict criteria including the relationship between the residential and working spaces. It only applies to existing buildings or previously developed land. Nevertheless some amendment to the policy is needed to ensure that it operates as intended. I am mindful that the NPPF specifically supports live work accommodation⁶⁸ and can see no reason to restrict support to existing buildings.

I do not consider either policy will generate new dwellings unrelated to employment uses in the countryside because of the strict criteria in the policies. This can also be managed through the development management process. In any case I have

⁶⁷ The Plan page 18

⁶⁸ NPPF para 86

recommended a modification to Policy E2 to ensure that the building is occupied for live and work purposes and not one or the other given the ambiguity often associated with this term.

Both policies are seen as a way of encouraging more local business opportunities and entrepreneurship and on a smaller scale than the strategic sites close by and helping farmers and landowners to diversify. This includes home working which is at a relatively high level within the locality.

Policy E3: Opportunities for New and/or Improved Business Development in Zone A is a long policy that sets out support for new economic development in Zone A.

In the first part of Policy E3, Clyst Honiton village, three locations of Home Farm Business Park, Exeter Inn Car Park and Old School Business Park, all shown on Figure 26 on page 76 of the Plan, are supported for new or improved non-specified business uses subject to compliance with eight criteria. The criteria cover design, scale and form, amenity, traffic generation, parking and access, noise and flood risk.

The second part of the policy covers “non village locations” which are nevertheless adjacent to the village.

As I understand it, the three specified locations are already in some type of employment or commercial use. The Old School is used as offices. Home Farm has planning permission for a warehouse building and the Car Park is used as a car park.

All three sites are well related to the village. Indeed they are all close to, or in amongst housing, which would restrict some uses on these sites. All three sites are clearly defined.

I note that the NPPF supports a prosperous rural economy and the sustainable growth and expansion of all types of business in rural areas both through conversions and well-designed new buildings.⁶⁹ Support is also offered by LP Strategy 28. I have already explained elsewhere in this report why I consider the village in general terms to be in a sustainable location.

I agree with the stance taken in the Plan that all three sites can be visually enhanced and have the potential to sustain the local community.

I therefore consider that the principle of the policy can be supported. However, there are a number of concerns which warrant further consideration.

The first is that the majority of Site 1, Home Farm, and part of Site 3, the Old School lie within the airport public safety zone (PSZ). The PSZ is essentially the end of runway areas and development within PSZ is restricted to control the number of people on the

⁶⁹ NPPF para 88

ground at risk of death or injury should an aircraft accident occur during take-off or landing.

In such areas, the objective is not to increase the number of people living, working or congregating and that over time, numbers of people should be reduced.

The second relates to noise. EDAL, in their representation, have given the expected noise levels at each site.

The third issue relates to flood risk. Although Home Farm lies within Flood Zone (FZ) 1, the Car Park is wholly within FZ3 and the Old School partly within FZ3.

There are then a number of more general considerations including character and parking as well as locationally specific issues such as the hard won cul-de-sac.

New development must be appropriate for its location. In general terms, all these concerns could be dealt with on a case by case basis as part of any planning application. If permission is not required, then the existing uses become the fallback position. If permission is required, then detailed assessments such as noise reports or flood risk information as well as the precise nature of the proposed use can be readily assessed.

Many, if not most, of the concerns could be satisfactorily mitigated on a case by case basis. The NPPF⁷⁰ is clear that it is the agent of change i.e. the new use or user that is required to ensure that new development can be successfully integrated with existing businesses and so on and I include the airport within this. Existing businesses should not have unreasonable restrictions placed upon them as a result of development permitted after their establishment. It is the new use(r) that is required to provide suitable mitigation before any completion of the new development.

I am also mindful that the policy in itself does not grant permission. It gives an indication of support for the future use of these sites. In addition, whilst I recognise the objection from EDAL, EDDC has not raised any objection.

Therefore, on balance, and based on the information to hand, this part of the policy, with modification, can be retained.

Turning now to the second part of the policy, business development is supported in principle subject to a number of criteria. I consider that some of the criteria are very similar to those in the first part of the policy and so can be amalgamated where appropriate in the interests of precision and clarity.

Other changes are made to ensure that the concerns raised are addressed appropriately and that the policy wording is clear.

In addition, reference is made to the NDO which does not yet exist and should be deleted as the reference is potentially confusing.

⁷⁰ NPPF para 196

It also appears as if a dwelling has now been constructed on part of the Old School site. Figure 26 should be amended accordingly.

Lastly, there are some minor typographical amendments to make on pages 67 (paragraph 1) and 70 (paragraph 7) of the Plan.

With these modifications, **Policies E1, E2 and E3** will meet the basic conditions by having regard to national policy as set out above, being in general conformity with LP Strategy 7, 28 and 32 in particular and helping to achieve sustainable development by supporting business investment to help sustain the village.

- **Add a key to the map on page 69 of the Plan**
- **Amend Policy E1 to read:**

“Proposals for holiday accommodation or *small-scale* businesses classes (E(c) and E(g)(i) in Zone B (Fig 6), excluding Hill Barton Business Park, will be supported where they:

- 1. Are proposed on previously developed land or through the conversion of an existing redundant *building*;**
- 2. *The building and its proposed use(s) is* in keeping with the existing scale and form of development in its setting;**
- 3. *The building is* physically located adjacent to or *is otherwise* well related to an existing *building and or dwelling*;**
- 4. Are *compatible* with the existing countryside and landscape setting;**
- 5. *Have suitable access and take every opportunity for encouraging active travel; and***
- 6. Do not result in adverse impacts to residential amenity, biodiversity or highway safety.**

Where proposals involve the conversion of existing buildings, *disproportionate extensions will not be permitted.*”

- **Amend Policy E2 (including its title) to read:**

“E2: Rural economy: *Live and Work Units*

Developments of live and work units in Zone B (Fig 6) excluding Hill Barton Business Park, will be supported when:

- 1. The residential element of the *live and work unit will* only be occupied in conjunction with the operation of the dedicated working space; and**
- 2. Proposals involve the change of use of an existing building and/or are located on a brownfield site.**

Proposals for demolition and/or conversion of existing buildings should not entail substantial building beyond the existing footprint, or disproportionate

extensions.

Proposals are to meet *all of* the following site-specific requirements:

- *Respect the scale and form of existing development and their countryside setting.*
- *Be located adjacent to, or be well-related to, existing dwellings or clusters of dwellings such as Holbrook.*
- *Be of a high quality design which enhances the immediate setting, and*
- *Will not result in adverse impacts to residential amenity or highway safety.*

Proposals for live and work units on greenfield sites are not supported in Zone B.”

- Consequential amendments will be needed to refer to live *and* work units throughout the Plan
- Amend Policy E3 to read:

“Development proposals for new business *and commercial uses* and new and/or improved business development will *usually* be supported at the following locations:

A. Clyst Honiton village locations

1. Home Farm Business Park (Site 1 in Figure 26):
2. Exeter Inn Car Park (Site 2 in Figure 26):
3. Old School Business Park (Site 3 in Figure 26):

subject to:

- a) *any new built development and/or the proposed use must be in keeping with the scale and form of their setting;*
- b) *where applicable, new buildings must be designed to respect the existing village character as identified in the Clyst Honiton Village Character Assessment and accord with the Design Code;*
- c) *residential amenity is not adversely affected;*
- d) *the provision of satisfactory off-street parking to avoid businesses using on-street parking;*
- e) *retention of the village road as a cul-de-sac;*
- f) *ensuring that the level and flow of traffic generated does not adversely impact on the safety and operation of the village road and/ or the highway network;*
- g) *demonstration of satisfactory noise conditions including taking the noise from the airport on the site into consideration and implementation of any mitigation measures;*
- h) *the provision of an appropriate flood risk assessment and implementation of any mitigation measures; and*
- i) *there would be no adverse impact on airport safety and operations.*

Development proposals for Old School Business Park should seek to retain and reuse the original school building and incorporate this structure's design features into the wider scheme.

B. Edge of village locations

Development proposals for new businesses and new and/or improved business development will, in principle, be supported *on appropriate sites immediately* adjacent to the village where:

- i) the proposal is consistent with Strategy 7 in the Local Plan (or its future equivalent);
 - ii) the proposal does not impact the cul-de-sac status of the village road;
 - iii) a safe highway access is in place and the local highway network is capable of accommodating the forecast increase in traffic, established by a Traffic Assessment; *and*
 - iv) criteria c, d, g, h *and* i (above) where appropriate, is *met.*"
- Remove the part of the Old School site from Figure 26 on page 76 of the Plan which now has a dwelling on it
 - Correct "ith" in paragraph one on page 67 to "*with*" and capitalize "most" in paragraph seven on page 70 of the Plan

Housing

There are two policies in this section including a proposed site allocation.

The Plan explains that Clyst Honiton has over 100 houses, but no built-up area boundary. The village is naturally constrained by the River Clyst, the A30, London Road (the old A30) and the Clyst Honiton Bypass. There is Holbrook, a small hamlet, to the south of the A30 and a number of farms and other scattered dwellings.

The Village Character Assessment identified four Character Areas in the village. There is a mixture of housing types with the figures fairly evenly spread between detached, semi-detached and terraced housing with a predominance of three bed homes. Given around 74% of the houses are three bed with few smaller units alongside a high number of bungalows in the village and elsewhere, the Plan seeks to address these imbalances.

A Housing Needs Assessment 2016 found that there was a housing need for between 40 – 45 net dwellings. However, EDDC's indicative housing requirement for the Plan area is zero.

A Housing Needs Report, undertaken in 2020, identified the need for houses for downsizers, young families and professionals. In addition, most houses were owned privately. There is a lack of availability of housing for diverse groups not only relating to affordability, but to the nature of the existing housing stock. The Housing Needs Report

identified a need for three affordable homes for rent within five years, a need for smaller homes and support for self-build.

The community is keen to have a new community building which I understand is likely to be subject of a Neighbourhood Development Order; this is currently in production. There is a recognition that it is likely some housing will be needed to support such a proposal. As a result, a 'Call for Sites' was undertaken. Nine sites came forward and AECOM assessed six sites with three being taken forward.

A Sites Viability Assessment was undertaken in 2016 on the three sites by AECOM and this revealed all three sites were viable. A further Viability Assessment was undertaken in 2022 by AECOM with a focus on deliverability taking into account flooding and noise assessment. A Noise Assessment, updated in 2023, on the larger site, likely to be the subject of the NDO, has been carried out by Bickerdike Allen Partners.

The first policy in this section is the proposed site allocation. **Policy SA1: Slate and Tile Site** identified in Figure 39 on page 94 of the Plan is allocated for up to nine dwellings.

A number of issues arise. The site is currently occupied by a commercial site. I understand that the site has a history of various commercial and employment uses. Whilst the site can be classed as previously developed land, the loss of an employment site requires some discussion.

LP Strategy 32 resists the loss of employment sites. Indeed one of the Plan's objectives is to support new businesses and employment in the area to expand local employment opportunities. I note that the Plan does provide significant support for economic uses including through the identification of three sites in draft Policy E3.

This is also to be balanced with the Plan's other objectives of providing new housing and seeking to address the local housing need identified and evidenced in the studies referred to above.

I note that EDDC does not object in principle to the loss of this particular site.

There is also a lack of alternative small sites for such housing provision.

Therefore the principle of a change of use can be regarded as acceptable. Potential contamination from previous uses will be a matter for detailed consideration.

The second issue of particular importance is the type of housing provided. Although the policy supports the provision of onsite affordable housing, it does not require it as currently worded. It is important that the site includes an affordable housing element, particularly when the housing requirement for the Plan area is currently zero and one of the Plan's objectives is to provide for local housing needs.

The draft policy sets out an allocation for "up to" nine dwellings. The site is some 0.18 hectares. Its topography may constrain the design and layout. I note that part of the

site falls within flood zone 3, the highest risk of flooding. This may also affect the design of any scheme.

The next set of issues relate to the quality of residential amenity which might be provided to future occupiers. The site fronts onto Honiton Road which was relatively busy at the time of my visit. It is a gateway to the village and there may be some opportunity for visual enhancement should this site be redeveloped.

EDAL have objected on the grounds of noise from the airport. The Plan acknowledges this too. Noise can have a significant effect on the environment and quality of life. As such I regard it as a key indicator of sustainable development and the NPPF is clear that planning policies should prevent new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of noise pollution.⁷¹

The NPPF also indicates that policies should ensure new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life.⁷²

A Noise Assessment Report (and addendum) has been prepared and submitted. Prepared by Bickerdike Allen Partners, the report discusses the proposed NDO site, but is also of some relevance to this proposed housing site.

The key is that the operation of the airport should not be adversely affected by new housing nearby and that a good standard of amenity for occupiers of new housing can be achieved given the overall effect of noise exposure.

In my experience, noise can usually be satisfactorily addressed internally early on in the planning process and through good acoustic design. Often it is noise disturbance in outside spaces such as gardens which are more difficult to mitigate. In this case, the Plan refers to the space opposite which is subject of Policy NE3. Whilst public access to this area seems likely to be achieved, this cannot be viewed as an alternative quiet area at the present time. However, I note that there are other areas within walking distance and convenient to the site not least the Parish Field which is a proposed Local Green Space in a later policy in this Plan which would provide some outside space albeit still in close proximity to the airport.

Given the balance between the information in the Noise Assessment Report, the need for housing, the lack of alternative small sites and the convenience of living close by Exeter and indeed the airport, with the appropriate details, the proposed site allocation

⁷¹ NPPF para 180

⁷² Ibid para 191

can be viewed as acceptable. I note it appears to be both viable and deliverable from the information before me.

In any case, the allocation does not grant permission. In this case, the details of any scheme will be of paramount importance for full assessments to be made by the determining body.

EDDC has also suggested that reference be made to the national space standards and I agree this would help to ensure that an acceptable scheme comes forward.

Natural England have recommended a reference to the location of the site in the Zone of Influence for the Exe Estuary SPA and East Devon Pebblebed Heaths SPA and SAC and the South-East Devon European Site Migration Strategy is made in the policy.

A number of modifications to address these issues are therefore needed to help ensure that the policy meets the basic conditions and in particular helps to achieve sustainable development.

Policy H1: Self-Build and Custom Build Homes supports such housing on single plot conversions or on single plots where the new build would be in scale with surrounding properties and is located within the plot and/or adjoins an existing dwelling.

The second element of the policy requires 10% self or custom build dwellings on schemes of 30 or more houses, but excludes the Hill Barton Business Park or the draft Neighbourhood Development Order (NDO) site. I do not consider it appropriate or possible to exclude the NDO site which does not yet exist. In any case, more flexibility is needed on larger sites and this is proposed for insertion into the policy which would also give some flexibility over any potential NDO site in the future.

Self-build can provide market or affordable housing. The LP also recognises the contribution such homes make to the range of housing available.⁷³

Although LP Policy H2 is not a strategic policy, it refers to the range and mix of new housing development. It indicates that, where possible, developers are encouraged to make at least 10% of plots available for sale to small builders or individuals or groups wishing to custom build their own homes.

LP Strategy 7 also permits development in the countryside where it is in accordance with a neighbourhood plan policy that explicitly permits such development subject to criteria.

The NPPF makes it clear that the Government's objective is to significantly boost the supply of homes.⁷⁴ As well as ensuring there is a sufficient supply of land, it is also important to ensure the needs of groups with specific housing requirements are

⁷³ LP page 109

⁷⁴ NPPF para 60

addressed.⁷⁵

The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.⁷⁶ This includes affordable housing, families with children, older people (including those who require retirement housing, housing-with-care and care homes), students, people with disabilities, service families, travellers, people who rent their homes and people wishing to build their own homes.⁷⁷

The NPPF promotes the effective use of land, including brownfield land.⁷⁸

I consider that overall Policy H1 has regard to national policy and will help to achieve sustainable development and therefore meets the basic conditions with some modification to ensure that the criteria in LP Strategy 7 are reflected.

There is a typo in paragraph three on page 99 of the Plan to be corrected. Additionally, some consequential amendment will be needed to the supporting text.

The modifications for **Policies SA1 and H1** are as follows:

▪ **Amend Policy SA1 to read:**

“Land fronting onto York Terrace identified in Figure 39 is allocated for a small development of up to nine dwellings *subject to the following requirements:*

- 1. Housing to be *smaller units of 1 and 2 bed properties;***
- 2. *Any scheme should meet local housing needs including through the onsite provision of affordable housing;***
- 3. *Appropriately detailed assessments should be submitted at the time of any planning application to satisfactorily address issues of contamination, flood risk and noise, particularly from Exeter Airport and the road which set out any mitigation measures and how these will be implemented;***
- 4. *The provision of a satisfactory level of car parking;***
- 5. *The provision of safe vehicular, pedestrian and cycle access;***
- 6. *The scheme is designed to a high quality that reflects the site's gateway location and position within the village;***
- 7. *The scheme meets nationally prescribed space standards;***
- 8. *The site lies within the Zone of Influence for the Exe Estuary SPA and the East Devon Pebblebed Heaths SPA and SAC. All new residential development is required to accord with the requirements set out in the South-East Devon European Site Mitigation Strategy or any successor document.*”**

⁷⁵ NPPF para 60

⁷⁶ Ibid

⁷⁷ Ibid para 63

⁷⁸ Ibid para 123

- Amend Policy H1 to read:

“Development of self and custom-build dwellings will be *supported*:

- 1. On single plots where the dwelling is a conversion of an existing building *which would not need significant rebuilding for its new use, or***
- 2. On single plots in which the new build is in scale with surrounding properties and is located within the *plot of, or adjoins*, an existing dwelling *and***
- 3. *Where such development would not harm the distinctive landscape, amenity and environmental qualities within which the plot is located.***

Provision of 10% self-build and custom build dwellings will be *encouraged* on all residential schemes of 30 houses or *more*, unless superseded by Local or National requirements.

Such provision could be provided through: Serviced plots for self-build and custom build, either on an individual basis or for a duly constituted self-build group (to include a community group).

This policy will not apply to Hill Barton Business *Park*.”

- Remove the reference to the safeguarded community space and Policy NE3 in paragraph 4 on page 95 of the Plan
- Change “...specific local detailed...” in paragraph three on page 99 of the Plan to “...specific local *detail*...”
- Consequential amendments will be needed to paragraph nine on page 100 of the Plan to remove references to the NDO site

Natural Environment

There are four policies in this section. The Plan explains that the village is separated from the rest of the Plan area by the A30. The Plan describes the village as a “road island”,⁷⁹ surrounded by main roads, the flood plain of the River Clyst, the Skypark Business Park and Exeter airport. This has meant that the village has become “an oasis of calm”.⁸⁰ The views out onto the landscape are important. The landscape essentially consists of low lying farmland drained by series of small streams which feed into the valleys of the Rivers Clyst and Tale.

A Green Infrastructure Survey (GIS) was commissioned to provide a long term plan to help with improving access, biodiversity, the public realm, providing a green edge to the village and to inform future development. The GIS establishes four objectives:

- To increase biodiversity network and wildlife sites

⁷⁹ The Plan page 21

⁸⁰ Ibid page 22

- To mitigate climate change
- To manage population growth and economic development
- To improve the health and well-being of local communities.

Figure 43 on page 107 of the Plan shows the green infrastructure proposals put forward by the GIS.

The NPPF is clear that policies should contribute to and enhance the natural and local environment by protecting and enhancing sites of biodiversity value in line with their statutory status and minimising impacts on, and providing net gains for, biodiversity.⁸¹ It supports proposals whose primary objective is to conserve or enhance biodiversity; opportunities to improve biodiversity in and around developments should be integral to scheme design.⁸²

The NPPF defines green infrastructure as a network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

It explains that plans should distinguish between the hierarchy of international, national and locally designated sites and, amongst other things, take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure.⁸³

It encourages plans to identify, map and safeguard local habitats and wider ecological networks.⁸⁴

The NPPF seeks to enable and support healthy lifestyles including through the provision of safe and accessible green infrastructure for example.⁸⁵ Access to a network of high quality open space and opportunities for recreation is also supported.⁸⁶ As part of this, the protection and enhancement of public rights of way (PROW) is supported including through the provision of better facilities by adding links to existing networks.⁸⁷

LP Strategy 5 protects and enhances the natural, historic and built environment assets including the promotion of green infrastructure and green networks. It seeks open space in new development and high quality landscaping. It refers to the Exe Estuary and East Devon Pebblebed Heaths European sites.

LP Strategy 47 expects all development to conserve the biodiversity and geodiversity value of land and buildings and minimize habitat fragmentation. It also seeks to maximise opportunities for recreation, enhancement and connection of natural habitats and for new development to include biodiversity conservation features.

⁸¹ NPPF para 180

⁸² Ibid para 186

⁸³ Ibid para 181

⁸⁴ Ibid para 185

⁸⁵ Ibid para 96

⁸⁶ Ibid para 102

⁸⁷ Ibid para 104

The LP emphasises the importance of green infrastructure indicating it is an essential part of the LP's vision for a long term sustainable future for East Devon.⁸⁸ The LP continues that "liaison with Town and Parish Councils will ensure local desires and needs are understood and inform the policies for strategic projects and investment programmes".⁸⁹

Policy NE1: Landscape and Biodiversity seeks to ensure that new development responds positively to the landscape and protects and enhances habitats. The policy has five criteria aimed at protecting and integrating existing landscape features, providing biodiversity net gain, using appropriate species, creating new habitats and enhancing wildlife connectivity and responding to landscape setting through sensitive design, siting and landscaping.

The policy refers to the Village Character Assessment and Design Codes. It requires major development to provide a landscaping scheme.

EDAL recommends that the policy should also refer to the need to ensure that any landscape and biodiversity measures are compatible with the airport's requirements around safeguarding. A modification to address this is recommended.

With this modification, the policy will meet the basic conditions by having regard to the NPPF and LP policies referred to above and helping to achieve sustainable development.

There are various typos to correct including on pages 102, 109 and 110.

Policy NE2: Green Landscaped Corridor seeks to safeguard land identified on Figure 47 on page 115 of the Plan as a green landscape corridor.

The justification states that this land is important to maintain the landscape setting of the village, maintain a wildlife corridor and help to mitigate noise from the A30. The corridor consists of an extensive area of tree and hedgerow planting which forms a buffer between the south of the village and the road. It provides a 'soft' edge to the village.

I saw at my site visit that the corridor is distinctive and is important to the setting of the village and has been appropriately designated.

EDDC supports this policy and has commented that the policy could be strengthened and I agree it could be positively worded to enhance the area. A modification is therefore recommended.

This policy will meet the basic conditions by having regard to the NPPF and being a local expression of LP Strategy 5 and 47 and helping to achieve sustainable development.

⁸⁸ LP page 126

⁸⁹ Ibid

Policy NE3: River Clyst Park designates the land shown in Figure 48 on page 117 of the Plan as a public amenity space. The area forms part of the Clyst Valley Regional Park.

Clyst Valley Regional Park forms part of the package of major development in the west End. LP Strategy 9 identifies the proposal. The delivery of the Clyst Valley Regional Park is critical to ensure that the housing development will not adversely affect the integrity of the Exe Estuary and East Devon Heaths European sites.

LP Strategy 10 allocates the land and sets the purposes of the Clyst Valley Regional Park. It will provide high quality natural green space, act as a stimulus to commercial and business development, ensure easy access to high quality open spaces ensuring ecosystems function in the West End, take recreation pressure away from the European sites, provide new green and wildlife corridors, enhance cycling and walking opportunities and conserve heritage assets enriching the cultural identity of the area. LP Strategy 10 restricts development unless it achieves the objectives.

I understand that the land is subject to a planning obligation relating to a permission for the adjacent logistics park for the provision of public access routes, but these have not yet been finalised or provided.

Policy NE3 supports proposals which enhance the area and provide access infrastructure, interpretation/information boards, litter bins and cycle racking. The policy refers to the need to take into account the use of the area as well as the water management.

The policy lastly refers to the Clyst Valley Regional Park indicating proposals will not be supported unless they conform to relevant local plan policy relating to development in the designated area. In the most recent Clyst Valley Regional Park Draft Document (2021), the land is identified as a green buffer and a planning obligation sets out the laying out of public paths.

This policy is based on a recommendation in the GIS to create a Local Nature Reserve and Community Green Space at the northern end of the Plan area, but is a smaller area than put forward in the GIS.

A representation on behalf of the landowner objects to the policy. In particular the representation points out that the extent of public access to this land will be restricted to the public access routes and not the whole area of land.

In addition, there are considerations about higher levels of access given the wildlife and livestock on the land.

The delivery of this policy then, however desirable an idea from the local community's perspective, seems to me to rest wholly with the landowner. The landowner has set out why wider access and use of this area of land as a public amenity space is not supported. This then means the policy is not deliverable. As a consequence it should be deleted from the Plan.

Policy NE4: Local Green Spaces seeks to designate four areas as Local Green Space (LGS). They are shown on Figure 50 on page 122 of the Plan. More information about the LGSs is to be found in Appendix 17 of the Plan, Local Green Space Assessments.

The NPPF explains that LGSs are green areas of particular importance to local communities.⁹⁰

The designation of LGSs should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services.⁹¹ It is only possible to designate LGSs when a plan is prepared or updated and LGSs should be capable of enduring beyond the end of the plan period.⁹²

The NPPF sets out three criteria for green spaces.⁹³ These are that the green space should be in reasonably close proximity to the community it serves, be demonstrably special to the local community and hold a particular local significance and be local in character and not be an extensive tract of land. Further guidance about LGSs is given in PPG.

I saw the proposed areas on my site visit.

1. The churchyard, adjacent to St Michaels and All Angels Church slopes up from the road to the Church. It is a tranquil and pleasant area with a number of views.
2. Green spaces adjacent to the noticeboard and seat at St Michaels Hill and beside the Southwest Water pumping station is valued for its recreational use, beauty, wildlife and history.
3. The Parish Field, off Village Road is a green space with a picnic area and play area. It also is home to the VE Day Celebration Garden which is a very pleasant area. The space is valued by the local community as a recreational area which hosts local events and is a relatively tranquil area.
4. Grass verges on both sides of the B3174 at the entrance to the village. Four areas are shown on Figure 50, but one area is only partly shown on the map. I raised a query about this and it has been confirmed that the whole of the verge should be included. Given the nature and size of the space, I do not consider any party would be prejudiced by its inclusion. A modification is therefore made to address this correction. Otherwise the verges are maintained by the community and are valued landmark features.

In my view, all of the proposed LGSs meet the criteria in the NPPF satisfactorily. The proposed LGSs are demonstrably important to the local community, are capable of

⁹⁰ NPPF para 105

⁹¹ Ibid

⁹² Ibid

⁹³ Ibid para 106

enduring beyond the Plan period, meet the criteria in paragraph 106 of the NPPF and their designation is consistent with the local planning of sustainable development and investment in sufficient homes, jobs and other essential services given other policies in the development plan and this Plan.

Turning now to the wording of the policy, it designates the LGSs referring to the NPPF and Appendix 17. This is not necessary and the former NPPF is referenced anyway. A modification is made to remove this unnecessary wording.

The policy then indicates that development in the LGSs will not be supported except in very special circumstances. The NPPF is clear that policies for managing development within a Local Green Space should be consistent with those for Green Belts.⁹⁴ The policy should therefore be consistent with this and a modification is made accordingly.

With these modifications, the policy will meet the basic conditions.

- **Add a new paragraph at the end of Policy NE1 that reads:**

“Any measures must be made acceptable from an airport safeguarding perspective.”

- **Amend paragraph two of Policy NE2 to read:**

“Development requirements associated with maintaining the strategic road network are supported. Proposals which improve the management or enhance the wildlife and landscape corridor and the setting of the village are positively encouraged and welcomed.”

- **Delete Policy NE3 and its supporting text. Consequential amendments will be necessary**
- **Delete ...”(in accordance with paragraphs...” at the end of the first paragraph of Policy NE4**
- **Change the last sentence of Policy NE4 to read: “Development proposals within the designated local green spaces will be consistent with national policy for Green Belts.”**
- **Amend Figure 50 on page 122 of the Plan to show the whole of the verge which is missing from this document in accordance with the basic map sent in response to the questions of clarification**
- **Correct typos in paragraph 1 on page 102, update reference to the NPPF in paragraph one on page 109 and correct typo in paragraph five on page 110**

⁹⁴ NPPF para 107

Parking and Access

There are three policies in this section.

The first **Policy AC1: Parking Provision** is a relatively long policy which seeks to address satisfactory parking. For non-residential development, the policy sets out a number of matters to consider including type and mix of development, accessibility, security as well as the provision of charging points and bicycle storage.

Additional parking and charging points are supported on existing commercial sites. EDDC make the point that as no limit is placed on the provision of additional parking spaces, these should be justified through the operational needs of the commercial enterprise and with regard to sustainable travel. A modification is made to address this.

In relation to residential development, parking is to be provided with surface permeability.

Proposals for off street parking for the village are encouraged subject to four criteria; all appropriate for this Plan area.

The Plan explains that residents rely on the private car despite the improvements to cycle routes and local bus services. This is also the case for local businesses. The intent of the policy is to ensure that appropriate parking is provided and is well designed and future proofed and can help to address identified problems of a lack of parking and poor parking practice including those using the nearby airport.

The NPPF accepts the principle of setting local parking standards based on the accessibility of the development, the type and use of development, public transport availability, local car ownership and the need for provision of electric charging points.⁹⁵

This policy has regard to the NPPF which generally refers to the quality of parking, its convenience, accessibility, secure and safe parking and the enhancement of local areas through well designed and thought through provision.

Parking is integral to the design of schemes and is one of the issues that can contribute to making high quality places as the NPPF sets out.⁹⁶ I also recognise that in more rural areas, parking is needed to meet business and community needs where those areas are not as well served by public transport.

Such provision has regard to the NPPF which supports plug-in and other ultra low emission vehicles in safe and accessible locations⁹⁷

There is a further modification; the policy refers to point 7 above, but this, I think, should be 8 rather than 7.

⁹⁵ NPPF para 111

⁹⁶ Ibid para 108

⁹⁷ Ibid para 116

Policy AC2: Public Realm Improvements to Clyst Honiton Village Road and its Road Junctions sets out five matters to improve public realm and/or road safety along Clyst Honiton village road. These are safe pedestrian zones, street furniture and seating areas, cycle racking, planting including trees and safe vehicular access to and from Ship Lane.

The Plan explains that the policy is based on recommendations in the GIS. It refers to Figure 47 which I think should be Figure 43.

EDDC has suggested an additional bullet point for the policy which I consider would have regard to national policy. A modification is therefore recommended.

Policy AC3: Active Travel Provision promotes the retention and improvement of, and new, active travel routes.

The Plan explains there are limited connections to local open spaces other than by the car. This policy aims to enhance the provision of cycle and pedestrian routes and networks, an issue that was also identified in the GIS.

EDDC has suggested a number of changes to this policy in the interests of clarity and has also provided, in response to my questions, an amended Figure 55 (page 132 of the Plan) which the Parish Council has accepted. The Devon Countryside Access Forum has also made representations on this policy making the point that if the term active travel is used, this can exclude options for multi-use and for horse riders. I have therefore recommended modifications to this policy.

The supporting text cross-references Policy DC7 which should be DS7.

With the modifications to **Policies AC1, AC2 and AC3**, they will meet the basic conditions by having regard to the NPPF which promotes sustainable transport. In particular, it indicates that transport issues should be considered from the earliest stages of plan-making and, amongst other things, the opportunities to promote walking, cycling and public transport are identified and pursued.⁹⁸ These aims are echoed in LP Strategy 5B which promotes sustainable transport. All three policies will help to achieve sustainable development.

- **Amend paragraph two of Policy AC1 to read:**

“Development proposals on existing commercial sites which enable the provision of the following are supported:

- **further onsite parking spaces *where these are justified by the operational needs of the commercial enterprise and cannot otherwise be met through measures to promote sustainable travel and***

⁹⁸ NPPF para 108

- charging facilities (see 8 above).”
- Add a new bullet point to Policy AC2 that reads: *“Measures that facilitate walking and cycling infrastructure and connectivity.”*
- Change Policy AC3 to read:

“Development proposals which would provide new and/or enhanced routes for active travel, particularly on the routes listed below, will be supported.

1. New Routes (Figures 43 and 55)
2. Clyst Park route No 3
3. Route No 7
4. Orange Meadow route No 9

as well as those linking to:

5. Sky Park Fitness Trail
6. Clyst Valley Trail
7. WW2 Fighter Pen
8. Clyst Valley Regional Park

Otherwise acceptable development proposals that contribute to the creation of new links to the following key destinations will be particularly welcome. These should be multi-use, wherever possible as these provide the most inclusive and accessible opportunities for everyone. Such routes should be designed to allow safe use by all users:

- National Cycle Network Route 2 and Route 34 (Exe Estuary Trail)
- Killerton Trail and Ashclyst Forest
- Crealy Theme Park and Resort

Development proposals *must* provide appropriate and safe access for all users and should link up with existing networks wherever practicable.

Development proposals should be designed to create natural surveillance of routes, and such routes should include sufficient lighting provided by renewable energy to make users feel safe and secure.

Development proposals are to consider future opportunities to enhance connectivity to neighbouring sites and should be designed in a manner that facilitates future connections.

Development proposals for the provision of cycle and E bike racking will be supported.

The loss of existing routes will be resisted unless an appropriate replacement

route is provided as part of the development.”

- **Substitute the figure provided by EDDC in response to questions for Figure 55 changing its title as necessary**
- **Change the reference to “Figure 47” on page 130 of the Plan to “...Figure 43...”**
- **Change the reference to “...Policy DC7...” on page 133 of the Plan to “...DS7...”**

Implementation, Monitoring and Reviewing the Plan

This section gives detailed information about how the Plan will be used and monitored. Monitoring of neighbourhood plans is not yet mandatory. However, I welcome this intention as good practice.

Paragraph five on page 135 of the Plan indicates that it will be EDDC that monitors neighbourhood plans. In response to a query, EDDC has confirmed that they are likely to undertake high level monitoring of neighbourhood plans particularly in relation to housing figures, but that otherwise the responsibility lies with the Parish Council. I therefore recommend an amendment to this section of the Plan in the interests of accuracy.

The information within this section and detail on how the Parish Council will undertake monitoring is very good.

- **Change the first two sub paragraphs of paragraph five on page 135 of the Plan to read:**

“At the moment, there is no mandatory monitoring of neighbourhood plans. It is anticipated that East Devon District Council will undertake high level monitoring of neighbourhood plan preparation across the District. The responsibility therefore lies with the Parish Council to undertake monitoring to ensure that its plan continues to be effective. It is anticipated that the District Council will support the Parish Council in this with any support or guidance as required. An example of the monitoring the Parish Council intends to undertake is provided in Appendix 19.”

Appendices

This is a straightforward list of the 23 appendices accompanying the Plan. There are a huge number of appendices and it would be useful to take a pragmatic approach to significantly reducing the number of them as the Plan progresses.

7.0 Conclusions and recommendations

I am satisfied that the Clyst Honiton Neighbourhood Development Plan, subject to the modifications I have recommended, meets the basic conditions and the other statutory requirements outlined earlier in this report.

I am therefore pleased to recommend to East Devon District Council that, subject to the modifications proposed in this report, the Clyst Honiton Neighbourhood Development Plan can proceed to a referendum.

Following on from that, I am required to consider whether the referendum area should be extended beyond the Neighbourhood Plan area. I see no reason to alter or extend the Plan area for the purpose of holding a referendum and no representations have been made that would lead me to reach a different conclusion.

I therefore consider that the Clyst Honiton Neighbourhood Development Plan should proceed to a referendum based on the Clyst Honiton Neighbourhood Plan area as approved by East Devon District Council on 2 April 2014.

Ann Skippers MRTPI

Ann Skippers Planning
5 September 2024

Appendix 1 List of key documents specific to this examination

Clyst Honiton Neighbourhood Plan (2023 – 2031) Regulation 16 Submission Version
January 2024 and appendices

Basic Conditions Statement January 2024 (Modicum Planning Ltd)

Consultation Statement 1/1/24 (Janvrin Edbrooke)

Strategic Environmental Assessment and Habitats Regulations Assessment Screening
Report Updated May 2023 (EDDC)

Strategic Environmental Assessment Environmental Report January 2024 (AECOM)

Habitats Regulations Assessment January 2024 (AECOM)

East Devon Local Plan 2013 – 2031 adopted 28 January 2016

East Devon Villages Plan adopted 26 July 2018

East Devon Local Plan 2020 to 2040 Preferred Options Reg. 18 Consultation Draft Plan
Current draft – autumn 2022

List Ends

Appendix 2 Questions of clarification from the examiner

Clyst Honiton Neighbourhood Plan Examination

Questions of clarification from the Examiner to the Parish Council and EDDC

Having completed my initial review of the Neighbourhood Plan (the Plan), I would be grateful if both Councils (as appropriate) could kindly assist me as appropriate in answering the following questions which either relate to matters of fact or are areas in which I seek clarification or further information. Please do not send or direct me to evidence that is not already publicly available.

1. Please could the Parish Council confirm whether it wishes to make any comments on all or any of the representations received at Regulation 16 stage and send any such comments to me as part of its response to this stage of the examination.

I would particularly welcome comments on the representations from EDAL in relation to **Policies E3 and SAL1** and on the representation from EDDC including on the non-policy specific comments.

2. **Policy DS6: Storage Spaces** sets a standard for two bike spaces; please could a little more explanation be given as to the thinking behind the two spaces requirement?
3. **Policy SA1: Slate and Tile Site.**
 - a) Is there landowner support for the proposed allocation?
 - b) Is it the intention to provide affordable housing as well as market housing?
 - c) Have any initial design studies been done to show that the site can satisfactorily accommodate nine dwellings given the topography and flood zone constraints?
 - d) What implications, if any, arise should the River Clyst Park proposal (subject of Policy NE3) not be deliverable?
4. **Policy NE3: River Clyst Park.**
 - a) Please could any update be given as to the current position with this site? Do EDDC remain supportive of this policy?
 - b) I would welcome and invite comments from the Parish Council and EDDC on the representation from Lichfields on behalf of the land owner.
 - c) There seem to be some missing words in the policy (last paragraph); please could the Parish Council advise?
5. **Policy NE4: Local Green Spaces.** Three areas of verge are shown on Figure 50 on page 122 of the Plan with a fourth area partially shown. Please confirm which verges are proposed for inclusion. If the partially shown verge is proposed for inclusion, please provide me with a new plan showing the area in its entirety.
6. **Policy AC3: Active Travel.**
 - a) I invite the Parish Council to comment on the representations made by EDDC and the Devon Countryside Access Forum and to put forward amended text for this policy for consideration.
 - b) Are the references in the policy to Figures 49 and 55 correct?

c) Please could the annotated map EDDC offers in its representation be provided to me for information purposes.

7. Page 135 of the Plan refers to monitoring to be undertaken by EDDC. Does EDDC have a view on this?

It may be the case that on receipt of your anticipated assistance on these matters that I may need to ask for further clarification or that further queries will occur as the examination progresses. These queries are raised without prejudice to the outcome of the examination. Where I have invited changes to be suggested, this is entirely without prejudice to my consideration of the issue.

Please note that this list of clarification questions is a public document and that your answers will also be in the public domain. Both my questions and your responses should be placed on the Councils' websites as appropriate.

With many thanks,

Ann Skippers MRTPI
Independent Examiner
19 July 2024