

# **Broadclyst Neighbourhood Plan**

## **Summary of the Representations Submitted to the Independent Examination**

### **Use of this Document**

This document sets out a summary of the representations (comments) received on the Submission Version of the Neighbourhood Plan, which were passed to the independent examiner for consideration. Please note that the full wording of all representations is available on the [Broadclyst Neighbourhood Plan](https://eastdevon.gov.uk/planning/planning-policy/neighbourhood-and-community-plans) page of the District Council website (found at: <https://eastdevon.gov.uk/planning/planning-policy/neighbourhood-and-community-plans>)

The Examiner's Final Report is also available on this webpage and forms part of the documentation for the referendum. In addition, correspondence that took place during the examination and documentation for every previous stage in the development of the neighbourhood plan can be viewed.

Please note that the Submission Version of the Plan has been updated to the Referendum Version, following consideration of the Examiner's final report by East Devon District Council. The District Council Decision Notice sets out the changes agreed between the versions. The Decision Notice and the Referendum Version of the Plan are also part of the referendum documentation and available on the webpage above.

Paper copies can be supplied if necessary.

## **Summary of Representations**

### **1. Avison Young on behalf of National Grid**

Advises that there are no electricity and gas transmission assets identified that are currently affected by proposed allocations within the Neighbourhood Plan area. For reference, provided links for further information and guidance on development close to National Grid infrastructure.

### **2. David Lock Associates on behalf of Hallam Land Management and Taylor Wimpey UK (Jointly)**

Advises that Hallam Land Management and Taylor Wimpey (HLM/TW) have for many years promoted the western expansion of Cranbrook to bring forward the allocations in the East Devon Local Plan and Cranbrook Development Plan Document. Sets out objections to the following 3 policies of the Neighbourhood Plan and the supporting justification:

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

Advises that whilst there is no objection raised to the principle of this allocation, this is subject to a satisfactory vehicle access being able to be achieved for the site which does not prejudice the agreed access arrangements from Station Road for the Cranbrook 'Bluehayes' expansion. Welcomes the proposed connection via the pedestrian and cycle lane to the Bluehayes expansion area through the requirements of Policy H2. However, raises concern that how vehicular access to the site will be satisfactorily achieved is not specifically referred to in the supporting evidence regarding the selection of the site (Appendix 19 of the Plan) nor in the policy requirements. To address this, suggests that the policy should either:

- i. Add an additional criteria as a site specific requirement as follows: "vehicle access to the site will be provided from Cotterell Road and in any event should not include any new access taken from Station Road"; or
  - ii. Amend the last sentence of the policy to ensure general application: Instead of "\*The provision of 1 and 2 above are to be designed in alignment with the Bluehayes (Cranbrook western expansion zone)" the wording should be replaced by: "Proposals for the site, including the provision of vehicle access, should be designed in alignment with the Bluehayes (Cranbrook western expansion zone)"
- Considers this to be necessary to clarify in the policy to ensure the policy is robust, deliverable and consistent with strategic policy.

### **Policy NE6 Local Green Spaces**

Advises that whilst there is no objection to the identification of the 5 named Local Green Spaces in the Neighbourhood Plan, the policy wording suggesting that support will be given to the designation of additional areas of Local Green Space at Blackhorse, Broadclyst Station, Tithebarn and Westclyst is contrary to paragraph 101 of the National Planning Policy Framework. Explains that this clearly sets out that a 'Local Green Space' can only be designated through the making of a development plan and cannot come forward and be designated outside of that process. Suggests therefore that either proposals for designation in those places must be shared and examined as part of the current neighbourhood plan work, or, that the potential for later designation between plans should be removed from the policy wording.

### **Policy T2 Pedestrian and Cycle Bridge over the Waterloo Railway Line**

Comments that there is no stipulated requirement for such a bridge to support the continued development of Cranbrook and that the policy does not seek to provide for the bridge, but to support it as a community aspiration to serve Broadclyst residents. Also expresses concern about wording in the policy justification that appears to suggest incorrectly and contrary to strategic policy that the bridge is needed to minimise the impact of Cranbrook western development. Furthermore, advises that in addition suggestions in the policy justification that such a bridge would benefit movements to Clyst Vale Community College and for Cranbrook residents to access Broadclyst are not part of the movement strategy or development plan policy requirements for Cranbrook. As such, requests that these aspects of the policy justification be removed.

Considers that changes made to the policy wording between pre-submission and submission stage appear however to have omitted any expression of the Plan's support for the bridge, and that the focus introduced on development proposals to secure it is unrealistic. Considers that even if the policy were to revert to simply lending support to the development of a bridge across the Waterloo-Exeter line, it should only be included within the Plan if it is justified, deliverable and realistic. Raises doubts about other aspects of the need/justification for / delivery of a bridge, including land to provide safe access along Broadclyst Road, costs/viability, the constraints of the floodplain, and the access Broadclyst residents already have to the train and other facilities at Pinhoe.

Overall, suggests that as worded the policy does not meet the basic conditions test and in any case questions whether a policy to support a bridge based on community aspiration can be justified.

If the policy is to be retained, suggests that:

- i. the wording in the first paragraph should revert to that in the Regulation 14 version of the Plan as follows: "To support the development of a bridge across the Waterloo-Exeter railway line (Figure 52) for cyclists and pedestrians to enable people to safely access Broadclyst station, Cranbrook, from the north and centre of the Parish".
- ii. a fifth bullet point should be added to the matters to be taken into consideration in developing any proposals for a bridge to require: "the design and ready delivery of safe pedestrian and cycle access routes to the bridge from Broadclyst."
- iii. Paragraph 2 and bullets 2 and 6 of paragraph 3 of the justification (on page 140) be deleted.
- iv. the four bulleted points relating to possible bridge locations (on page 141) which include locations that are not deliverable or achievable should be deleted.

### **3. David Lock Associates on behalf of Hallam Land Management, Taylor Wimpey UK and Persimmon Homers (Jointly)**

Advises that Hallam Land Management and Taylor Wimpey (HLM/TW) have for many years promoted the western expansion of Cranbrook to being forward the allocations in the East Devon Local Plan and Cranbrook Development Plan Document, and that Hallam and Taylor Wimpey and Persimmon Homes also comprise the consortium of developers working to deliver proposals for Cranbrook Town Centre, both of which are progressing.

#### **Policy EC2 Regeneration of Cranna Ford Site and the Policy Justification (page 88-90)**

Objects to this policy and its justification. Noting concerns raised at Regulation 14 stage about access / traffic generation / vehicle movements at the crossing, and the subsequent removal from the policy of explicit support for a children's commercial play park and day nursery, considers that the submitted version of the policy in fact allows for a wider range of acceptable uses on the site. This would include offices, retail and food and drink uses by virtue of the wider definitions now allowed under Use Classes E(g)(i) and E(a) and (b). Notes that the justification also appears to encourage a wide and flexible range of options.

Considers that uses permitted should be "in line with past retail use and access levels" over the crossing and not exceed such levels. Disagrees with the assessment in the Plan that a garden centre and café use could be supported on this basis. In addition, expresses concern that the broad range of uses, which has no limits in terms of quantum of development, would conflict with the proposals for the Cranbrook town centre and be contrary to both local development plan policy and national policy (in terms of the sequential test).

Furthermore, raises concerns that the requirement in the Regulation 14 version of the policy to demonstrate that the traffic generated by development would result in no detriment to rail and road safety appears to have been made much more woolly by requiring a Transport

Assessment to be submitted - but without a clause requiring that the proposed uses do not result in either detriment to safety or in a material increase in the existing permitted traffic.

Advises that paragraph 7 of the justification, exploring in general terms how any need for additional infrastructure be assessed, is unwarranted and unjustified. Considers instead the policy should be reworded and significantly tightened to ensure that: the proposals for Crannaford are limited to regeneration (in line with policy title), and do not include expansion of commercial uses; no significant impacts should occur by virtue of the restriction of permitted uses on the site; a requirement to demonstrate no significant impact and no significant increase in traffic from the historic position when 'Town and County Supplies' was in operation at the site be included; the policy only supports refurbishment and not 'selective development' to provide new commercial space, and; in any event, the policy must require the preparation and agreement of a Travel Plan for any proposals for the site.

For the reasons set out above, the following specific amendments to wording are sought:

- i. The first sentence of Policy EC2 should seek that the "area of Crannaford be regenerated through refurbishment", but delete references to "selective development" and "new development" from that sentence and in the second sentence of the policy;
- ii. Delete the very widely drawn references to Use Classes Eg(i) and E(a) and E(b) and either preclude/limit town centre uses of retail and offices (potentially to uses ancillary only to other uses on the site) or, alternatively to "small scale employment uses" only which is the recommendation for the site in the Site Assessment report by Aecom (Appendix 18), or "small scale rural development" only as referenced on page 20 of the Basic Conditions statement;
- iii. Revert to wording in the earlier Regulation 14 version of the policy requiring that any proposals for the site must demonstrate that "the volume of traffic generated by the proposals can be accommodated on the local highway network without detriment to rail and road safety including quiet lanes...";
- iv. In addition to point iii above, amend the policy to require that any additional traffic should not materially increase the traffic generated above that arising from the existing permitted development i.e. historic traffic levels associated with use of the site.
- v. Remove the discussion in para 7 of page 91 in relation to potential crossing improvements on the basis no evidence demonstrates the need for such improvements;
- vi. Include a requirement for any significant town centre uses (as defined by the NPPF) proposed on the site be subject to an assessment of the impact of such uses on the Cranbrook town centre (as the recognised town centre in the retail hierarchy).
- vii. Include a requirement that all proposals for the site should include a Travel Plan.

#### **4. Delwyn Matthews (Silverton parish resident)**

Notes that the proposals for the redevelopment of Silverton Mill that were included in earlier versions of the Plan, and to which the respondent had raised concerns, have now been withdrawn from the plan and welcomes this decision. However, notes that on page 83 of the Plan in the Economy and Employment chapter, it states that although the proposals are withdrawn from this current version of the plans, that going forward this is subject to 'further technical assessments' about which there appears to be no further information.

Clarity is sought on the nature of these technical assessments and whether it is still the intention of the landowner, the National Trust, to bring forward redevelopment of the site. Should this be the case, would reiterate previous concerns raised relating to issues regarding highway access, increased traffic on narrow lanes, potential flooding and the 'inappropriate location for effectively a new small village in effectively an area of open countryside'. To this end, a clearer statement is sought within the Plan as to the future intended uses of the Silverton Mill site and to ensure there is fuller consultation with adjoining affected communities concerning any proposals for the site (specifically Ellerhayes / Silverton Parish Council).

Also, generally calls for capacity studies to be carried out by the National Trust and East Devon District Council regarding existing and projected visitor levels in the area to help inform future visitor management and development policies with regards to tourism / recreation development, due to concerns about the impact of growing / future pressures e.g. on road parking at Ellerhayes bridge. Seeks this to be acknowledged in the Plan.

#### **5. Devon County Council (Highways Authority)**

Makes the following comments in respect of the transportation policies of the Plan:

##### **Policy T1 - New Pedestrian and Cycle Routes**

Understands the promotion of the principle, however considers that is difficult to ascertain how deliverable this aspiration is without knowing land ownership in this area which will influence the delivery of the scheme. Notes that Elbury Lane is currently being assessed as a potential 'quiet street' for walking and cycling.

### **Policy T2 - Pedestrian and Cycle Bridge over the Waterloo Railway Line**

Notes this is potentially costly and would need early dialogue with Network rail. Suggests maybe worth investigating a bridge to the at-grade crossing and connecting to Elbury Lane (subject to a successful assessment). Advises that any interaction with the highway network would need to be assessed by the Local Highway Authority.

### **Policy T3- Parking Provision**

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

### **Policy T4 - Active Travel Infrastructure (for commuting and leisure)**

Supports the principle but queries how deliverable this is and where the funding will come from to develop feasibility designs, and its construction. Advises that the scope of land ownership either side/around the points of interest needs to be understood to establish what scope is available in principle to improve sustainable methods of travel.

### **Policy T5 - Low Carbon Travel Provision**

Supports the idea in principle.

## **6. Devon County Council (Lead Local Flood Authority)**

Advises there are no further comments on this Plan.

## **7. Devon County Council Historic Environment Team**

Considers that the Plan is very well thought out and is pleased to see the majority of previous advice incorporated (advice provided in Jan 2021 is appended to the representation). Only comment is that the Historic Environment (Heritage) is still under Design and Climate Change chapter and considers that instead the Historic Environment should have its own heading, similar to the approach taken to the Natural Environment section. Advises that this would emphasise the importance of heritage and ensure that the NPPF policies are taken into consideration.

## **8. East Devon District Council**

Congratulates the producers of the plan on their dedicated hard work and commitment throughout the neighbourhood plan process in producing the document and welcomes the reduced number of policies and removal of several proposed allocations that Officers had concerns about at Pre-Submission Stage. Makes a range of suggestions for amendments to policy wording throughout the plan, primarily to strengthen and clarify the requirements, including:

### **Policy CF1 Community Sports Hub**

No objection in principle to the proposed development, but seeks assurance on deliverability of the scheme, including lead body, funding and access. Suggests minor amendments to the policy wording to ensure it requires “all” of the facilities listed to be included. Suggests better describing the possibility of a ‘reserve site’ as an ‘alternative site’ and to consider extending the period in which development can start before an alternative would be considered beyond the 3 years stated.

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

Suggests it could prove difficult in implementation to assess whether a ‘demonstrable community need’ exists and therefore to make it clearer that the development to be supported is floorspace for sports / recreation / community use.

### **Policy D1 High Quality Design**

Welcome efforts to make this policy more implementable. Comments made on 4 clauses as follows:

- Clause 2 (visual impact) - as there should not be any “significant impact on visual amenity”, suggests this clause needs revising to avoid/minimise impact.
- Clause 6 (lighting) - notes the LPA cannot currently insist or enforce that the lighting is powered by renewable energy.
- Clause 9 (active/sustainable travel) – advises this could be strengthened by making linking into existing networks and connections to sustainable travel options an absolute requirement, with enhancement and facilitating future connectivity, ‘wherever practicable’.
- Clause 11 (signage) – notes the LPA can only consider highway safety and visual amenity, and only then where consent is required.



### **Policies DH1 Historic Character and DH2 Development of Existing Buildings in and adjacent to the Conservation Area**

Prefers these policies to be combined into a single policy, and suggests revision may be necessary to avoid duplication and possible conflict with strategic policy. As a minimum suggests that the requirement in clause 1 should be to conserve OR enhance in line with national policy. Also, whilst supporting the principle of making heritage assets more energy efficient, expresses concern about the blanket support given in the final policy clause and suggests this needs caveating in order to avoid harm to significance of the asset.

### **Policies DC1 Energy Efficient New Buildings and DC2 Increasing Energy efficiency in Existing Buildings**

To avoid duplication/overlap, suggests these policies be combined into a single policy, including with addition of a clause (currently in Policy DH1) regarding renewable energy in historic buildings. Suggests also that a clause is added to paragraph 1 in Policy DC2 to allow for the role of trees, shrubs and other vegetation in cooling and shading buildings.

### **Policy DC3 Sustainable Drainage**

Supports this policy, but suggests clarification would be useful as to whether this would apply to householder extensions, and changes of use – e.g. by insertion of ‘wherever applicable’. Suggest that ‘usually covered with grass’ is removed from the definition of swales in favour of ‘sloping, vegetated sides’ to reflect that alternative natural vegetation will have greater biodiversity benefits.

### **Policy DC4 Residential Storage**

Supports this policy, but suggests that the requirement be strengthened by quantifying a minimum number of cycle storage spaces to be provided according to dwelling size (for example, in line with the 1 per bedroom in the Cranbrook plan), and that it would be appropriate to require rather than simply ‘encourage’ the cycle storage.

### **Policy DC5 District Heating Schemes**

For clarity and to aid implementation, suggests the first sentence should be revised to read, “Across the neighbourhood plan area, including but not limited to the LDO District Heating Area (Figure 27), proposals for new development that demonstrate that they will produce less than 150kg of CO<sub>2</sub> per kWh from heating systems will be supported”.

### **Policy DC6 Community-led Renewable Energy Production**

As some of the examples of benefits listed in the policy fall outside statutory planning/land-use matters, suggests these are moved from the policy into the supporting text.

### **Policy EC1 Regeneration of Beare Farm**

Queries whether the cross-reference to the heritage policies within the Plan is sufficient to ensure whether suitability of, and impact on, the on-site listed buildings is given due consideration. Also, suggests that the final bullet under point 2 of this policy is made a standalone criteria, and that a point of reference is given for the cited 'Killerton Estate objectives'.

### **Policy EC2 Regeneration of Crannaford Crossing**

Considers that a light industrial use could be suitable at this location, but expresses serious reservations about the generation of additional traffic movements (vehicular, pedestrian and cyclist) over the level crossing regarding the uses supported by the Policy, in relation to rail safety in particular. In terms of the policy wording itself, considers it to be unclear what 'selective development' means in practice.

### **Policy ET1 Development of Tourism**

Considers there is a risk of this policy being open to abuse / wide interpretation and supporting development beyond what the community envisages. Also suggests that the term 'Sustainable Tourism' rather than tourism uses which was used in earlier versions could help provide greater clarity.

### **Policy ET2 Holiday Accommodation**

Considers the policy to be part-duplication, part-conflict with Local Plan policy E16. Notes that whilst this is not a strategic Local Plan policy, it seeks to promote sustainable development which the Neighbourhood Plan must also do. Suggests that reliance or cross-reference to the Local Plan policy here would suffice, with the addition of the local requirement for the accommodation to be for 'holiday purposes only'. Seeks the support for new build accommodation to be removed from the policy.

### **Policy ET3 Campsites**

Wishes to see a definition given to 'small scale' to increase control over proposals and aid effective implementation.

### **Policy H1 Blackhorse Gardens Site**

Advises that the site sits with the 60-63dB airport noise contour on EDDC records and not within the 57dB-60dB airport noise contour as the policy suggests. Advises that as such this means sensitive uses such as residential are not normally considered suitable, or at least not without further evidence on noise mitigation and viability. Therefore, any development should be acoustically designed to achieve the lowest practicable internal noise levels to meet with the standards set within BS8233 and recommended by the World Health Organisation. Advises that EDDC would not normally support the allocation of the site unless it can be demonstrated that noise levels within any residential area will not exceed those recommended by the World Health Organisation due to concerns about noise. If retained, the policy should reflect this requirement.

### **H2 Broadclyst Station Site between Shercroft Close and Cotterell Road**

In relation to the location, notes that over time the site will have a close relationship with the Cranbrook Blue Hayes development as this develops out. Queries whether the flood risk and ecological constraints have been adequately assessed and questions the inclusion of a triangular area of the land within the allocation which is entirely in flood zone 2/3. Considers that the definition of self-build should also be explicitly linked in the wording to that in legislation.

### **H3 Broadclyst Village: Heathfield Site**

Welcomes the addition of a footpath link to the allotments, but also wishes to see footpath connections made through the site to the wider footpath network.

### **H4 Social and Affordable Housing and Policy justification to housing allocation policies**

Advises for accuracy that the justification text should refer to Strategy 27 of the Local Plan, rather than Strategy 35. Comments on the affordable housing percentage set in relation to Local Plan policy, confirming that whilst EDDC are not averse to supporting the 50% level for affordable housing on the two allocations, much of the rationale in the supporting text is considered to need revision for accuracy and to ensure relevance. Questions the evidence for the 50:50 tenure split when the Housing Needs Assessment showed a need for 16 homes

(14 rent and 2 shared ownership) and the Local Plan tenure split is 70:30. Also, considers that the local connection criteria deviate from that set out in Local Plan Strategy 35 more than is supported in the policy justification. Advises EDDC can support the additional tier for residents of the parish group, but other than this, suggests the local connection cascade should align to the model set out in the Local Plan.

### **H5 New Housing in Broadclyst Parish**

Considers that the policy needs further clarification so that it will apply to any development on unallocated sites which are brought forward as exception schemes, and not to developments of single dwellings as implied.

### **H6 Self-Build**

Requests rephrasing to remove “The Broadclyst NP supports” wording from the policy

### **H7 Development of Live-work Units**

Considers there is a risk of allowing residential development ‘by the back door’. Suggests this is addressed by employing a definition of live-work units based on ratio of ‘workspace : residential’ and removing permitted development rights. Also, expresses concern that the policy appears to allow development in unsustainable locations without additional criteria.

### **T3 Parking Provision**

Advises that EDDC does not have published parking standards as such currently, although guidance is given in LP Policy TC9 which could be tailored to local requirements.

### **NE2 Green Corridors**

Considers that the starting point for this policy should be protection and retention, with any damage being accepted with appropriate mitigation and only where this is unavoidable.

### **NE3 Tree Replacement**

Similar to above, suggests the policy be made applicable specifically for ‘unavoidable’ removal of trees, to reinforce that retention and protection is the starting point. Suggest the second paragraph of the policy regarding veteran trees be deleted and national policy relied upon.

### **NE5 Landscape and Biodiversity**

Suggests the exception made for householder applications be more positively worded, for example, to read, “Development proposals should seek to contribute to a high quality and biodiversity-rich natural environment, Applications except for residential extension and alterations should demonstrate how they address the following matters:” Also, given the early working draft Local Plan seeks to require 20% biodiversity net gain, suggests the policy should read “unless exceeded by strategic policy”.

### **Other**

In addition, more general requests were made, amongst other things, for:

- i. ensuring evidence cited supports all aspects of the policies;
- ii. potential unintended consequences of policies e.g. regarding the location of development and support for development to deliver infrastructure improvements to be carefully considered;
- iii. seeking to avoid placing an undue burden on Development Management service through the policy requirements;
- iv. removing inaccurate or unsubstantiated statements within the Plan text;
- v. considering numbering paragraphs;
- vi. ensuring correct referencing including to the latest Use Classes Order and National Planning Policy Framework (2021) is used throughout;
- vii. giving greater clarity on the relationship with the new emerging Local Plan and the use of the term ‘settlements’; and;
- viii. correcting of editing and typographical errors throughout the document.

## **9. Historic England**

Notes that site allocations to which Historic England had highlighted heritage concerns at Regulation 14 at Silverton Mill, Elbury Farm and Jarvishayes have since been removed. Also, that for other remaining allocations, there is now enhanced justification within supporting text in the Plan and more robust and confident assessments and conclusions relating to relevant heritage asset considerations for each site within the revised SEA Environmental Statement. Considers that this is now a much more helpful evidence base as it asserts unequivocally that none of the sites in question will affect heritage assets. However, notes that the methodology used to establish these conclusions is still not clear, but that Historic England has no reason to dispute them nor the local knowledge with which to do so, and so they defer to the authority of East Devon District Council to reassure itself regarding the verification and veracity of that heritage evidence.

With regards to the site allocations at Crannaford (Policy EC2), Winter Gardens (Policy EC3) and Beare Farm (Policy EC1) notes that none of these allocations sets out in their policies quanta of development, and considers that respective criteria and policies elsewhere in the Plan should therefore be sufficient to ensure that any new development takes due account of any relevant historic environment considerations. Specifically welcomes the proposed retention and conversion of the historic buildings on the site at Beare Farm.

Advises overall that there are 'no residual issues of concern' and that Historic England are 'are impressed by and grateful to the community for the manner in which it has positively responded to our previous advice, and are pleased to be able to offer unqualified praise for the Plan in its definition and promotion of the role and value of the area's distinctive historic character.'

## **10. National Highways**

Clarifies that in its responsibility for the strategic road network, that in the Plan area this relates to the M5 motorway and the A30 trunk road. Advises that National Highways remain satisfied that the policies proposed within the Plan are unlikely to result in a severe impact on the safe and efficient operation of the strategic road network. Notes that these comments are made without prejudice to any future responses National Highways may make on site specific applications as they come forward through the planning process, which will be considered on their merits under the prevailing policy at the time.

## **11. National Trust**

Comments on the policies which are seen as having key relevance to the National Trust and Killerton Estate interests, as follows:

### **Policy CF1: Community Sports Hub**

Understands and is supportive of the need for this community asset. Advises that the land identified is owned by the National Trust, and is held inalienably, meaning that it cannot be voluntarily sold, mortgaged or compulsorily purchased against the Trust's wishes without special parliamentary procedure, and that this special power means that protection of such land is forever. Advises that the land is currently occupied by Clyst Vale Community College on a long lease and as such proposals for development and land use as set out in the policy, would therefore require the agreement of both the lessee and the landlord, and would also be subject to legal requirements set out under the Charities Act 2011. Comments it is not known whether any discussions have taken place between the current occupier of the site and the Broadclyst Neighbourhood Planning Steering Group but that the complex land ownership issues do present a challenge to the deliverability of this site for the specified purpose.

In respect of the policy clause to allow for a suitable alternative site to come forward, suggests it would be preferable for this to be planned, with a suitable alternative site being identified through future revisions of the Neighbourhood Plan.

### **Policy EC1: Regeneration of Beare Farm**

Advises that this land is also held inalienably but supports the inclusion of the policy which it confirms relates to the National Trust's ambition to regenerate Beare Farm for economic uses. Notes that the site was put forward by the National Trust as an economic site to the Neighbourhood Plan process. Asks for the supporting text which states that Beare Farm was returned to the Killerton Estate be amended (at page 84) on the basis it does not accurately reflect the current status of the site. Clarifies that Beare Farm is a working farm which is currently subject to an agricultural tenancy agreement. On expiry of the existing agricultural tenancy agreement, there will be the opportunity to reconsider the use of the site's farmhouse and buildings.

### **Policy NE1: Protecting Woodland and Policy NE3: Tree Replacement**

Would support the addition of information about the role of the National Trust in managing woodland and wooded habitat in the UK including the fact that '1500 ancient & veteran trees exist on the Killerton Estate, a nationally significant heritage asset providing important habitat to a range of species' when referencing National Trust woodland in the Plan. Advises that all the woodland listed in Policy NE1 is owned and held inalienably by the National Trust which protect them and that they are subject to management plans/policies of the NT for environmental and social benefit. Advises that woodland management may mean it might not also be appropriate to replace removed trees with 'up to 3 new trees' where these are species which are detrimental to ecological and cultural interest, and points to page 64 of

the Plan which sets out how the NT protects ancient woodlands and is undertaking significant tree planting as an organisation, in line with NT objectives. For these reasons, the need for additional requirements for replacement planting to apply to National Trust woodland is questioned.

**Policy NE6: Local Green Spaces**

Advises that the National Trust owns 4 of the sites (Recreation Ground, Village Green, Holly Close Triangle, and Chapel Orchard) which are identified and designated in the Neighbourhood Plan as 'Local Green Spaces'. Confirms that the National Trust is supportive of these sites being included in the Neighbourhood Plan and designated as 'Local Green Spaces' for the benefit of the local community.

**Other:**

Lends support to the identified 'CIL Project 4' in the plan to enable Elbury Lane to be downgraded as a 'quiet lane' which prioritises pedestrians, bikes, and vehicular traffic on an access only basis to Elbury Farm, with no through traffic.

Notes the withdrawal of the sites at Silverton Mill and Elbury Farm from the Plan and supports the commitment for these two sites to be included in future revision of the Neighbourhood Plan, for which, as a key stakeholder, the National Trust would welcome further engagement.

Suggests that on page 14 to 16 of the Plan regarding the relationship between the National Trust owned Killerton Estate and the Broadclyst Parish, it would also be worth noting that outside of significant areas of ownership, the National Trust have retained restrictive covenants over large areas of the Parish.

Suggests that the list of heritage assets in the Plan Area on page 19 of the Plan should be checked with Historic England to ensure that it is comprehensive and up to date.

Suggests at page 77-79 on the Plan, the brief mention to Killerton Estate being a significant employer could usefully be expanded to include the types of employment generated by the Estate.

Offers more recent data relating to tourism and visitor numbers to the Killerton Estate which could be used to update text regarding this in the introduction to Policies ET1 and ET2 on page 100 of the Plan.



Suggests that the Killerton Park Setting Study (Land Use Consultants; final report, April 2013) which is referenced in the Plan should be included within the plan appendices.

## **12. Natural England**

### **Withdrawn Policy EM1 Regeneration of Silverton Mill site**

Requests that if this proposal is reinstated in the future, Natural England's advice is considered and followed, and that specific references to ensure impacts on Killerton SSSI are avoided and considerations of environmental enhancement are included.

### **Policy H2 Site allocation at Broadclyst Station (between Shercroft Close and Cotterell Road)**

Notes the proximity of the allocated site (previously referred to as 'Clystlands') to the project area within the Clyst Valley Regional Park for 'habitat creation, carbon storage, boardwalk trail, picnic area". As such, would welcome acknowledgment of the CVRP in the policy, and noting of the opportunity for the Neighbourhood Plan and CVRP to support each other in their objectives.

### **Other**

Attaches an appendix (annex 1) providing more information, advice and guidance on neighbourhood planning and the natural environment.

## **13. Network Rail**

### **Withdrawn policy EM2 Regeneration of Elbury Farm**

Welcomes the withdrawal of this policy regarding development at Elbury Farm to which concerns had been raised in previous comments made on the Plan.

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

Welcomes the additional requirement in the policy (item 3) for details of how the development will impact on the railway infrastructure (railway crossing and barriers) to be included in the Transport Assessment. However, advises that Network Rail still has concerns regarding

the allocation at Crannaford Crossing and does not agree with the further justification of this policy (page 91) which provides information on numbers of traverses over Crannaford level crossing recorded in 2018 comparing this to traverses being experienced at the nearby Pinhoe level crossing. Advises that the assumption made in the plan that both crossings can take the same amount of use and that Crannaford level crossing has capacity for additional traffic is incorrect as there is simply no comparison in the level of safety of these two crossings. The representation highlights and explains a number of the key differences between the type of the crossing control at each of these locations and how these operate/are controlled. Advises that the crossing at Crannaford is a legacy from a different era, and would not be installed today and present a higher risk of catastrophic collision, whereas the crossing at Pinhoe is the safest type of crossing available. Advises that based on data of pedestrian and vehicles movements over the Crannaford Crossing, which has a much heavier use now than intended, that an upgrade to full protection at this crossing should be provided before any further developments are made. Added to this, the representation expresses concern about the proximity of the site access to the crossing which could occur in traffic 'blocking back' on to the crossing resulting in a potentially very dangerous situation.

Requests the 'Further Justification for Policy EC2' section of the Plan be re-written to make clear that no additional traffic will be acceptable without an upgrade being provided for Crannaford level crossing and an assessment of the sites access to ensure there is no blocking back over Crannaford level crossing and where required, suitable improvements made to the access.

*Addendum: during the course of the examination, the data cited in this representation was corrected. This related to an error in the number of pedestrian movements (from 2,300 to 48 per day in the 9 day camera census in April 2021). Network Rail provided the source data and confirmed that the correction did not alter the comments made in the representation as submitted.*

## **14. Newton Poppleford and Harpford Neighbourhood Plan Steering Group**

### **Policy NE5 Landscape and Biodiversity**

In line with the made Newton Poppleford and Harpford Plan, published British Standard "BS42021:20221 Integral Nest Boxes Selection and Installation for New Developments" and RSPB recommendations that integral swift boxes are installed (because they will also be used by most other species that nest/roost in the cavities of older properties and mature trees), requests that Policy NE5 includes a firm requirement for, "all new developments to include an average rate of one integral swift brick per unit/residential dwelling, more for larger buildings".

## **15. Origin3 on behalf of Burrington Estates**

### **Policy H3 Broadclyst Village: Heathfield Site**

Supports the allocation of land for residential development (up to 16 homes) in this policy and advises that the site was submitted by Burrington Estates to the neighbourhood plan site assessment process. Describes key characteristics of the site and states that it is 'the most logical and natural point of growth for development at the settlement' and presents both 'a good opportunity for sustainable development adjoining the village at a suitable scale commensurate with the size and scale of the village' and 'an opportunity to deliver community-led, bespoke residential development in a logical location for Broadclyst.' Sets out in more detail how Burrington Estates view the opportunity for the beneficial development of this site in terms of ecology, social and economic benefits, informed by a Vision Statement prepared by them in October 2018. Advises that Burrington are 'committed to submitting a planning application for the above development that is fully compliant with the draft allocation policy within the next 12 months.'

## **16. Peter Jeffery (Broadclyst resident)**

### **Policy H3 Broadclyst Village: Heathfield Site**

Objects to this policy on the basis that it would be detrimental to develop the site due to the dramatic change it would make to the boundary of the village; that it is a greenfield site which has 6 protected trees and an abundance of wildlife, and; that developing this site would encourage on road parking, causing visibility issues and putting extra strain on an already busy road. Requests that the boundary of Broadclyst village remains intact, with the existing 'Built up Area Boundary' unchanged, allowing natural infill within the village to take place. Notes that with Cranbrook and Westclyst being vastly developed they also have facilities to cope with an increased population (schools, roads, shops etc.).

## **17. Richard Holman**

Objects to the Plan as a whole on the basis that it provides for an insufficient number of dwellings (including affordable housing), fails to adequately address infrastructure requirements, and actively seeks to prevent Use Class B8 commercial development in the area. Also raises procedural issues reporting that a referendum was effectively already held at consultation stage when selecting potential development sites for inclusion/removal from the plan process, and also that the Housing Needs Assessment is not valid to be relied on as part of the evidence base for the plan due to it being over 5 years old. For all these reasons, queries the legality of the Plan, considering it

to be unlawful and 'null and void'. Attaches documentation in support of the representation regarding the removal of Lodge Trading Estate from the neighbourhood plan process. Consider the plan to effectively be a box ticking exercise that fails to address legal and other requirements and as such should be rejected, and a new Plan produced.

### **18. Royal Society for the Protection of Birds (RSPB)**

Expresses disappointment that not more reference is made to protecting and enhancing biodiversity in the Plan and refers to the benefits of flora and fauna on health and wellbeing and for achieving sustainable development. Includes links to and attachments of a number of good practice guidance and standards, including the recently published British Standard "BS42021:20221 Integral Nest Boxes Selection and Installation for New Developments. Includes case studies to illustrate. Specifically recommends the use of boxes originally designed for swifts but will be used by the majority of species that nest/roost in the cavities found in older buildings or mature trees. Recommends that the approach/measures highlighted are incorporated into the Plan.

### **19. Savills on behalf of FWS Carter and Sons**

Advises that the Client maintains ownership of a number of land holdings across East Devon, particularly in the West End of the district. Notes that a Call for Sites exercise was undertaken for the Neighbourhood Plan in 2017 and suggests that given the age of that exercise, there may be potential for the Examiner to consider additional sites for housing, employment, mixed-use or industrial development. Puts forward and provides details / analysis of the potential for one site within Broadclyst (known as 'Kerswell Barton') for consideration, advising that this has been submitted to the May 2022 'Call for Sites' by East Devon District Council. Describes the suggested uses for the site being a small area for residential with supporting uses such as open space, play provision and others. Also advises it may be suitable for renewable energy production, particularly solar. Overall considers that the allocation of this site would assist the Parish in meeting its aspirations and delivering its proposed policies.

Secondly, wishes to make the Parish aware of other land in the ownership of this Client which is outside but immediately adjacent to this Plan area, within Poltimore parish. Advises that this land, across 2 sites adjacent to the M5, present 'strategic opportunities for Broadclyst Parish', potentially offering enhanced connectivity between Broadclyst village and the strategic highway network as well as the potential for a new Motorway Service Area providing employment opportunities to Broadclyst parish residents. Advises that the Client would welcome further discussions about this with the Parish in due course. Provides maps to show both of these parcels of land.

Makes reference to relevant paragraphs (13, 29, 37 and 70) of the National Planning Policy Framework to which a Neighbourhood Plan must demonstrate general conformity with, and makes specific comment in this context on the following policies:

### **Policy DC5 District Heating Schemes**

Supports the flexible wording of this policy and seeks the retention of wording in the policy text not to require District Heat Network connections for new development. Raises concerns that any requirement for new development to connect to District Heating Networks could have 'significant impacts on the viability and deliverability of new development and may cause the NDP to undermine the deliverability of strategic policies for the area.'

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

Supports the policy intent but not the supporting text that puts a 5 hectare limit on support for solar farms, which it notes is based on existing provision in the parish. Advises that the presence of other solar farms should not preclude additional commercial investment in this form of renewable technology, and that there is no rationale for either a size limit or for there to be a requirement of providing a direct benefit only to the local community. With reference to existing solar farms in the parish, considers that the area is capable of providing a significant contribution to tackling climate change through the implementation of further solar energy generation. For these reasons, recommends removing the caveat "if the scale meets the needs of and is demonstrably supported by the local communities' from the support given by the policy to renewable energy systems, and also to remove the restriction of "up to 5 hectares and where the community directly benefit" from the support given to solar farm proposals.

### **Policy ET2 Holiday Accommodation**

Asks that the policy clauses precluding support for Use Class C1 development and development above 2 storeys be removed on the basis that they constitute arbitrary limits on new development that are not supported by evidence and appear to limit development that is supported in the adopted Local Plan.

#### **Policy H4 Social and Affordable Housing**

Requests that this policy be deleted from the Plan. This is on the basis that it constitutes unnecessary duplication of the requirement already set out in the adopted Local Plan for new development on allocated sites to provide 50% affordable housing, and may undermine deliverability of the allocated sites for development by not including an allowance for flexibility for reasons of viability.

#### **Policy T1 New Pedestrian and Cycle Routes and Policy T4 Active travel infrastructure (for commuting and leisure)**

Notes that these policies support proposals that would include or could improve or contribute to new and improve pedestrian and cycle (active travel) routes, noting the issues that exist at Station Road, and identifying a 'future permissive' route through the Client's land at Kerswell Barton. As such, advises that the Kerswell Barton site put forward in the representation presents an opportunity to provide the 'future permissive' route and assist in delivering Policy T4 and alternatively, that a link road between Station Road and the B3181 may be delivered as part of a wider development, assisting in the delivery of Draft Policy T1. Therefore, recommends the inclusion of the Kerswell Barton site as an allocation with the Plan.

#### **Policy NE5 Landscape and Biodiversity**

Requests the removal of the requirement for a 10% biodiversity net gain from the policy on the basis that this is proposed in the Environment Act and should be left to the legislative process and/or the emerging new Local Plan.

#### **20. Sport England**

Provides a general / standard response stressing that it is essential for neighbourhood plans to reflect and comply with national planning policy for sport and to refer to Local Authority Playing Pitch strategy and other evidence. The response provides links to various sources of information and guidance that may be useful, particularly if new or improved sports facilities or new housing developments are proposed. Makes no specific comments on the content of the Plan.

## **21. Stags on behalf of G and S Tancock**

Advises that Mr and Mrs Tancock are the owners of the proposed allocation at Winter Gardens (**Policy EC3: Regeneration of Winter Gardens Site**) and confirms that they continue to support this policy and the Neighbourhood Plan generally. Requests that the Policy EC3 wording be updated to reflect the latest version of the Use Classes Order.

With reference to the allocation for a Community Sports Hub within the Plan (**Policy CF1**), advises that should the allocated site fall away they would be willing to consider delivery on land within their wider ownership, noting that 12.75 hectares of land at Winter Gardens was put forward for a community sports hub during the NP process, but that the assessment had concluded that the site was of a scale that would be better considered through the Local Plan process.

Notes that the Neighbourhood Plan refers to consideration of a wider area of land at Winter Gardens for 160 homes in the emerging East Devon Local Plan. Considers that there is a synergy between the NP allocation and this proposed LP allocation and an enhanced prospect of delivery of the NP allocation if it can be brought forward largely in tandem with the Local Plan allocation (should that progress). Advises that the Client is in advanced discussions with a development partner in respect of their land and that there is support in principle from both parties to both housing and employment development. Would welcome the opportunity to engage further on these matters at the appropriate times.

## **22. Stephen Schlich (Broadclyst resident)**

### **Policy T2 Pedestrian and Cycle Bridge over the Waterloo Railway Line**

Supports this policy as being of benefit for local residents and visitors to have a bridge. Suggests that this could best be achieved by a second platform at Cranbrook Station together with a bridge over the railway and access to the National Trust land, for example via Elbury Farm. Comments that it has been stated that Cranbrook Station is not the best place for a passing loop but that no plans have been put forward for this elsewhere. Considers that a passing loop at that location, combined with a second platform would have advantages, including for cost efficiency savings and to facilitating the introduction of a half-hourly service.

## **Important Note**

This document seeks to set out a factual summary of the key points made in each representation in order to give an overview. However, to view further detail and the original wording of the representations as submitted in full, please go to the [Broadclyst Neighbourhood plan page](#) on our website (see under 'Submission Consultation').