

Clyst Honiton Neighbourhood Plan Examination
Responses to Examiner’s Clarification by East Devon District Council

<u>Examiner Questions and Responses</u>	
1	<p><u>Regulation 16 Responses</u></p> <p>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.</p> <p>I would particularly welcome comments on the representations from EDAL in relation to Policies E3 and SA1 and on the representation from EDDC including on the non-policy specific comments.</p>
	See Parish Council Response
2	<p><u>Policy DS6: Storage Spaces</u></p> <p>This sets a standard for two bike spaces; please could a little more explanation be given as to the thinking behind the two spaces requirement?</p>
	<p>The number of bike spaces was unspecified in the policy at Pre-Submission (Regulation 14) consultation. The Examiner Health Check (Part A) (IPE, September 2023) comments on this policy were that ‘Policy DS6 should explain what is meant by the term ‘storage spaces’ and what dedicated spaces would be in practice. Without such clarity, the policy is imprecise and would be less effective in operation and in achieving its aims.’ Comments of East Devon District Council officers, also at Regulation 14, were that it “Would be useful to define minimum provision particularly for apartments e.g. minimum 2 spaces per dwelling or 1 per bedroom, whichever is the greater.”</p> <p>These comments were considered together by the NP Steering Group. A document was prepared by the NP Steering Group to the EDDC comments which records ‘Comments from Health checker implemented. Minimum specification for bikes was agreed and added.’ This is documented in the submitted Consultation Statement - electronic page number 368 for the EDDC comments and the Steering Group response; p.413 (paragraph 23) Health Check Report comment, and; p.440 (item 23) Steering Group response to Health Check.</p> <p>Although not explicitly stated in the Regulation 14 comments, the EDDC comments were made drawing on the experience of the recently examined and adopted Cranbrook DPD (October 2022) where Policy CB20 requires “All new residential dwellings at Cranbrook, unless explicitly designed to accommodate residents that would not be able to ride a bicycle, will need to include safe, secure and undercover space specifically designed, or readily useable, for bicycle storage at a ratio of 1 bicycle storage space per bedroom. Where garages are provided, these will count as the bicycle storage space for the respective dwelling.” This policy therefore applies in this neighbouring Plan Area, where it supersedes the adopted Local Plan Policy TC9 (which suggested 1 per home). A similar standard to the Cranbrook DPD is proposed in the emerging Regulation</p>

	<p>18 draft East Devon Local Plan (November 2022) where policy 68 'Parking standards Residential car parking standards' states that 'New residential developments will be required to provide parking provisions to an average of not less than 1.6 car parking spaces per dwelling and 2 cycle parking spaces per dwelling....' The proposed increase reflects Plan strategy to try to promote sustainable travel and 15/20 minute neighbourhoods. In proposing this we have considered the Cycle Infrastructure Design (publishing.service.gov.uk) which recommends 1 per bedroom is recommended (p.135).</p>
3	<p><u>Policy SA1: Slate and Tile Site</u></p> <p>a) Is there landowner support for the proposed allocation? b) Is it the o 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?</p>
	<p>3a) and 3c) – see Parish Council response only.</p> <p>3b) EDDC Officer comments for information, to be read alongside Parish Council response:</p> <p>At Regulation 14, our EDDC informal Officer comments noted that the policy is silent about affordable housing relating to this site. We pointed to commentary in the supporting plan text which referred to viability assessment evidence that affordable housing could be viable on this site at 50% affordable housing (where this was 50% affordable rent and 50% intermediate). We advised that in terms of Local Plan policy we would expect a site of this size (5-9 dwellings) to provide a contribution for off-site affordable housing, subject to viability. We suggested the CHNP justification could signal this. The response that the Steering Group provided to EDDC (set out in the Consultation Statement) was that 'an affordable section has been added' into the Regulation 16 Submission version of the plan. The Submission Plan supporting text indicates the intention or certainly a preference for the scheme to include an element of affordable housing on site, stating that "The policy supports the provision of affordable houses because there is evidence [...] of a proven viable scheme for a developer to bring forward an element of affordable housing "on site" rather than providing a contribution for off-site affordable housing." After presenting the viability evidence, the Plan goes on to say that "it is noted that under Local Plan Policy a site of 5-9 dwellings could provide a contribution for off-site affordable housing means that a developer could provide the 25% affordable social rent allocation for locals and provide an off-site contribution for the other 25% of affordable products subject to viability." However, the policy itself only encourages/supports this and does not require it. As per our EDDC comments at Reg 16, "if the intention is that an affordable housing element is secured on-site then it will be necessary to specify the requirements in the policy as we will not be able to require it as standard on a scheme of up to 9 homes under the Local Plan policy."</p> <p>3d) – Given the allocation is only for up to 9 dwellings, there is no requirement for the development to provide open space under Strategy 43 'Open Space Standards' of the adopted Local Plan. The implication, if any, would be regarding noise mitigation and ensuring as good a level of</p>

amenity as practical with regards to external space and the standards set out in the British Standard and guidance in the ProPG (Professional Practice Guidance: Planning and Noise – New Residential Development) (May 2017).

We note that draft policy SA1 itself also makes no direct cross reference to a dependency on Policy NE3 and the supporting text explains that, ‘The noise assessment report also provided advice on sound levels in gardens and concluded that the noise levels in the gardens will not be particularly desirable, but that development should be designed to achieve the lowest practicable levels in these external amenity spaces, but that the site was not at an “unacceptable level” in which development would be prohibited.’

The Examiner can find this evidence in full on p.15 of the submitted Bickerdike Allen Noise Assessment Report prepared for the Bypass site which states that, “For traditional external areas that are used for amenity space, such as gardens and patios, it is desirable that the external noise level does not exceed 50 dB LAeq,T, with an upper guideline value of 55 dB LAeq,T which would be acceptable in noisier environments. However, it is also recognized that these guideline values are not achievable in all circumstances where development might be desirable. In higher noise areas, such as city centres or urban areas adjoining the strategic transport network, a compromise between elevated noise levels and other factors, such as the convenience of living in these locations or making efficient use of land resources to ensure development needs can be met, might be warranted. In such a situation, development should be designed to achieve the lowest practicable levels in these external amenity spaces, but should not be prohibited.”).

We recognise that the Plan does go on to say that the housing allocation site has ‘significant noise levels and to have the NE3 [River Clyst Park] within a five-minute walk will allow residents with limited amenity space access to a local public place [...] within 500 metres’, and that “The development of nine 1 or 2 bed units is likely to limit the extent of amenity space for each unit, but the area located opposite the site across the road has been safeguarded as a Community Space (Policy NE3) and will not only provide a space for walking and leisure, but it will also ensure a green outlook and views to Ashclyst Forest in the distance.”

However, EDDC consider that even if the River Clyst Park proposal as envisaged under Policy NE3 is unachievable, that the role of the space for walking and green outlook will still be secured through a combination of the s106 for public access over designated PRoWs (see answer to Q4a below), and the inclusion of the land within the Clyst Valley Regional Park. EDDC also consider it unlikely in any case that it could meet the requirements of being a ‘relatively quiet’ public amenity space in external noise mitigation terms as it still lies within the airport noise contours and is not able to be made available for the sole use of the households/occupiers. However, given this is a modest infill development aimed at securing housing for local people, where amenity areas are not an intrinsic part of the proposals, exceptions can reasonably be made, and we would expect that design could achieve the desirable internal levels as detailed within British Standard for both daytime and nighttime noise, and for external amenity space to be as low as practicable.

For the reasons set out above, we do not therefore see any significant implication for the delivery of the small housing allocation (Policy SA1) if the River Clyst Park proposals (Policy NE3) is not itself deliverable.

4

Policy NE3: River Clyst Park

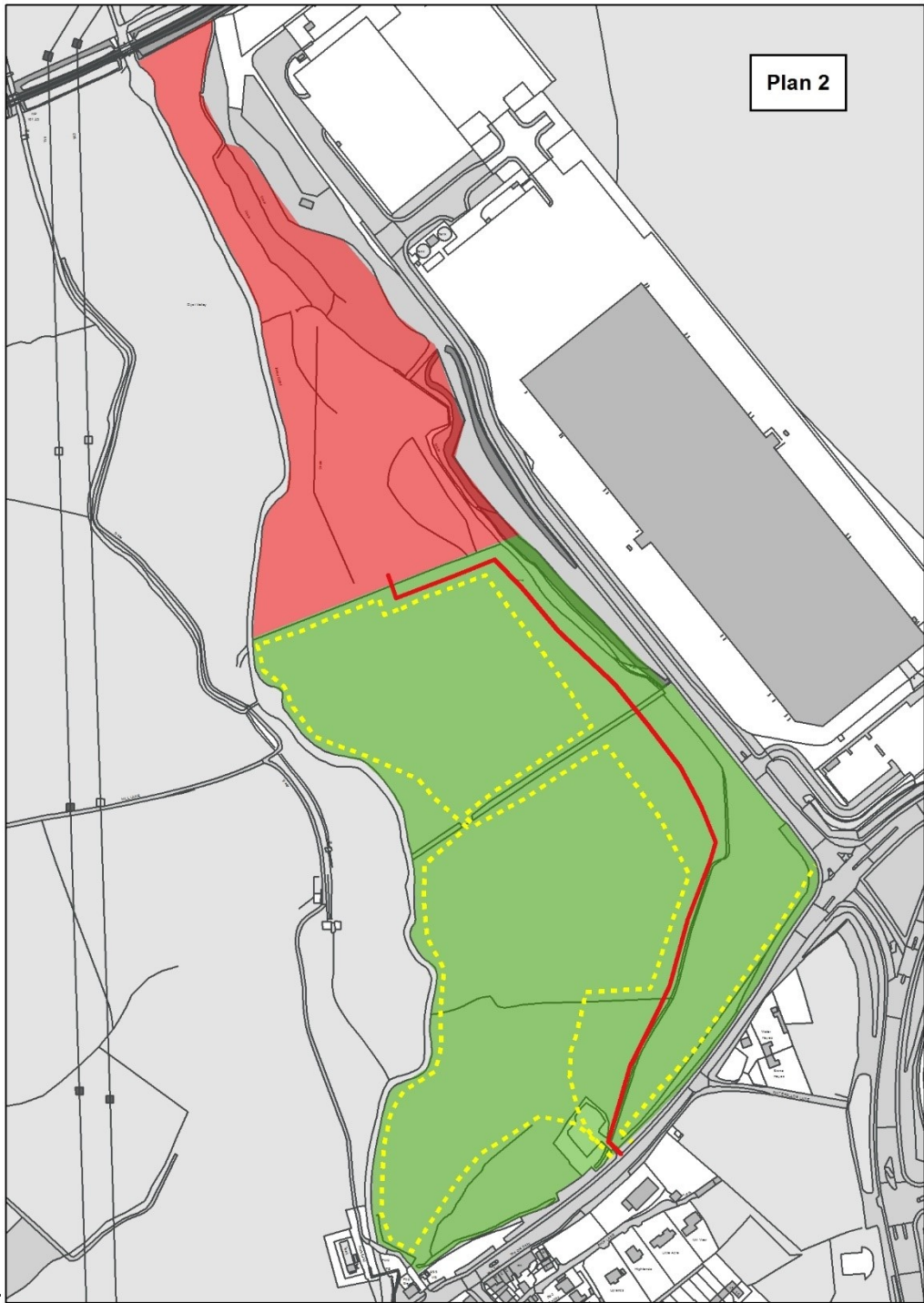
- a) Please could any update be given as to the current position with this site? Do EDDC remain supportive of this policy?
- b) I would welcome and invite comments from the Parish Council and EDDC on the representation from Lichfields on behalf of the landowner.
- c) There seem to be some missing words in the policy (last paragraph); please could the Parish Council advise?

See also Parish Council response.

EDDC Response

a) Update on current position

EDDC can confirm that this land is subject to a section 106 agreement relating to the consent for the adjacent Logistics Park (17/0532/MOUT) for the provision of public access routes. Pursuant to this, EDDC served notice in 2020 to formally start the process for designation of the Public Rights of Way. We can confirm we are actively involved in discussions with CCE currently about getting the PRoW in place, but this is not finalised at present. We can also confirm that the access requirements set out in the s106 are restricted to the provision of a public right of way in perpetuity over land shown by the dashed yellow lines highlighted on Plan 2 in the s106 (shown below), together with a 5m wide access for private use by the owners to the non-public area to the north of the site (shown by the red line). It can be seen that this relates to a wider area of land, of which the land subject to policy NE3 forms part.



Extract 'Plan 2' from the s106 Agreement

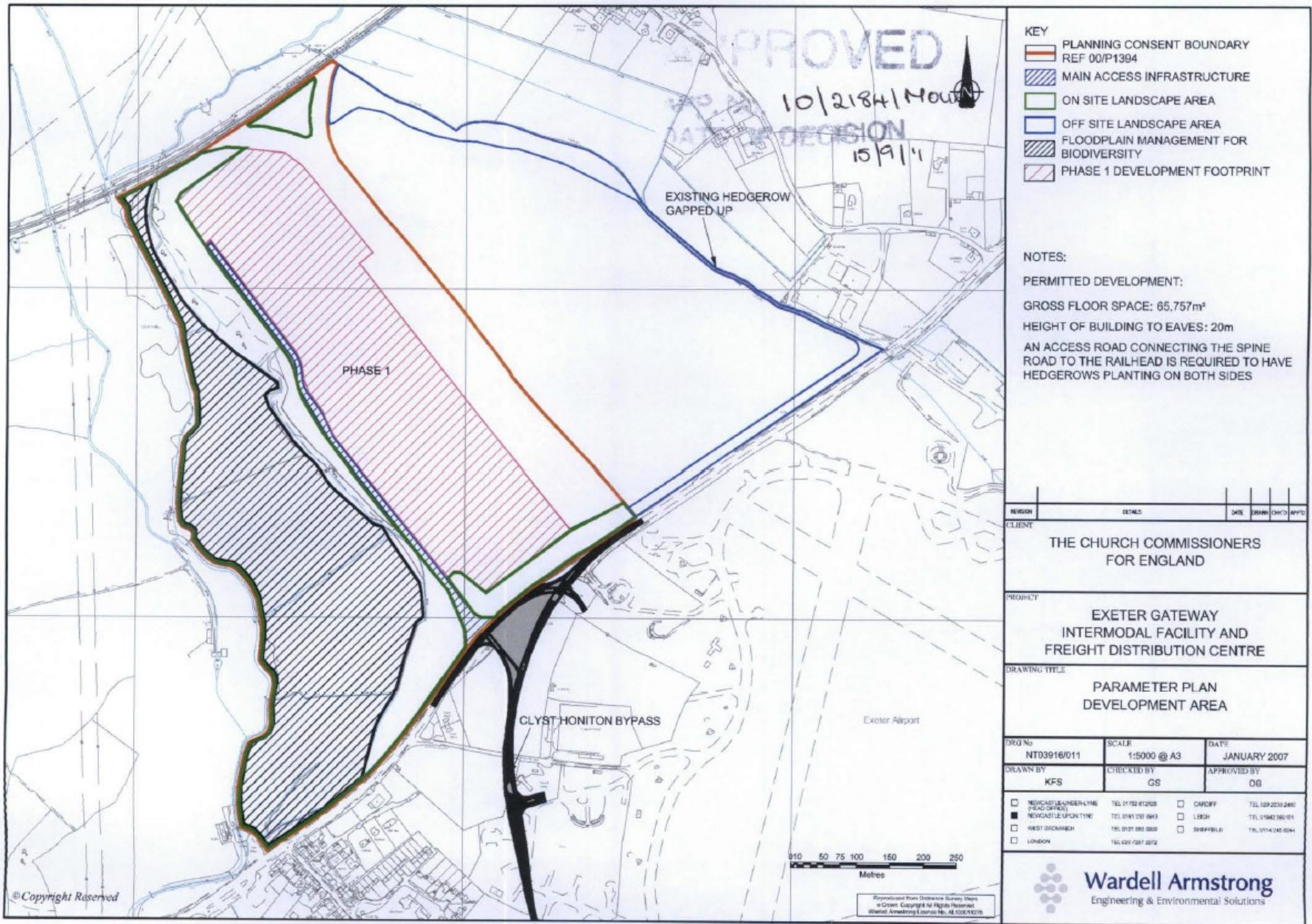
a) Do EDDC remain supportive?

We still support the premise of the policy but would highlight that there are presently no legal obligations upon the landowners for the level of public access envisaged by the NP, as the s106 is specifically for the public access routes set out above and not for the creation of a public open space. This should be read as a correction to our Regulation 16 comment that the space was being secured as a 'public open space' via the s106. Whilst we support the principle of wider public access/provision of open space to these fields, this would bring with it additional considerations such as disturbance to wildlife that use the site and the adjacent watercourse that would need to be considered as well as greater liability and maintenance responsibilities and costs for the landowners. The District Council (as we are not the landowners) are not in a position to grant this wider access as a public amenity space. It is difficult therefore to see how this can be funded and delivered without landowner agreement.

b) Comments on the landowner representation

EDDC officer view is that the representation accurately portrays the current legal obligation for the land and the history of securing the obligation. The precise context of the quote cited from Natural England is unclear. However, we can advise that ecological enhancements of the land were secured under the phase 1 outline permission (10/2184/MOUT) for the Lidl site which included the NA3 land, and an ecological constraints plan showed the NE3 land as being 'flood plain grazing marsh / reptile habitat being retained'. In the approved plans for the outline permission, the Parameter Plan (below) shows the area to the west of the LIDL depot as Floodplain Management for Biodiversity, with specific measures for management of these areas. The LEMP should have more detail and could be provided if necessary.

Whilst the CCE's current s106 obligations do not outright preclude further public access being negotiated and secured, we consider that the objections they have raised are legitimate considerations. Implications from wider public access regarding biodiversity and ecology impacts in particular would need to be considered. Regarding noise mitigation – see response to Q3.d above. With regards to community use and the private access, this appears to be less of an issue if the private access can be clearly shown to sit outside the area of land to which NE3 relates by minor amendment to Figure 48 in the NP.



Phase 1 Outline Application Parameter Plan

5	<p>Policy NE4: Local Green Spaces</p> <p>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.</p>
	<p>See Parish Council response.</p> <p>EDDC can confirm will create corrected map to replace Figure 50 accordingly.</p>
6	<p>Policy AC3: Active Travel</p> <ul style="list-style-type: none"> 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.
	<p>6a) and 6b) – see Parish Council response.</p> <p>6c) Shown below is the annotated map from EDDCs Green Infrastructure Project Manager with reference to routes in the emerging Clyst Valley and Villages LCWIP (Local Cycling and Walking Infrastructure Plan):</p>

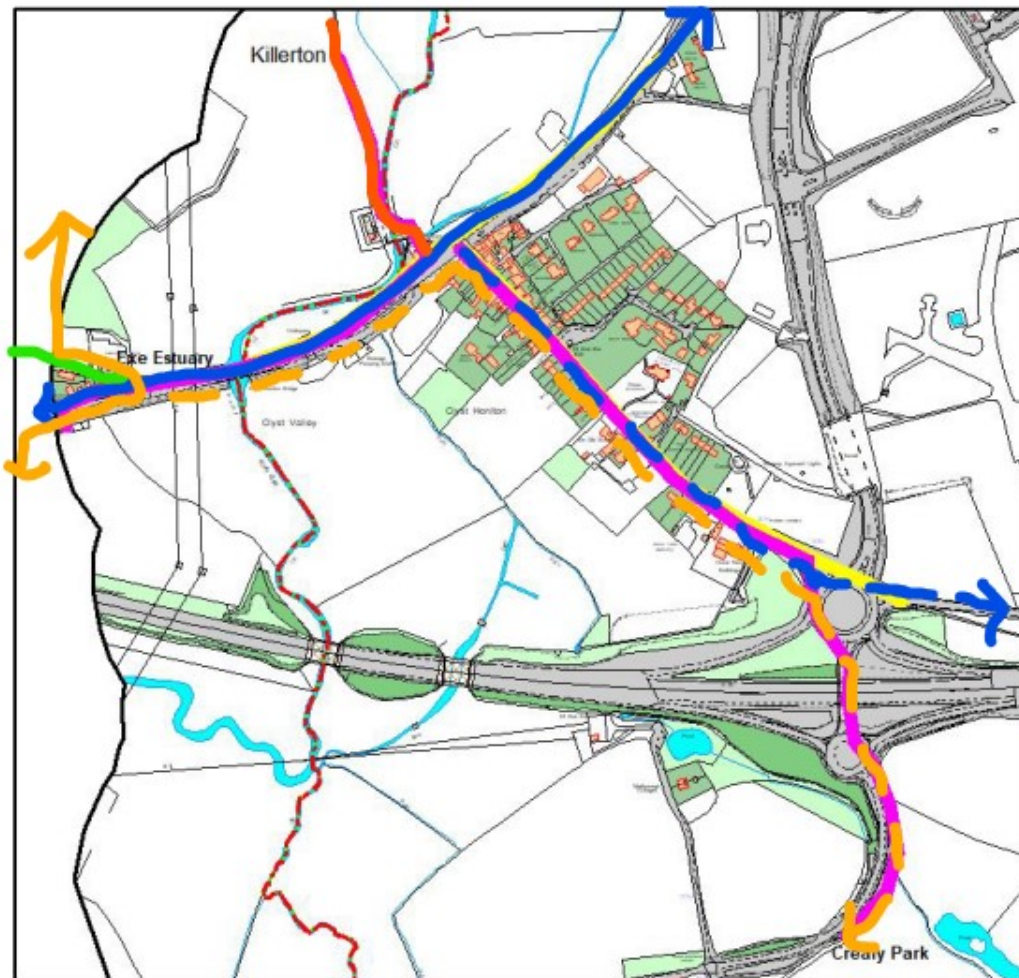


Figure 55: Existing (in yellow) and potential (in pink) cycle routes in Clyst Honiton Plan area

Key:

- Blue – existing strategic cycle route – Exeter to Cranbrook
- Blue Dashed – cycle route to Exeter airport through Clyst Honiton (note: in the LCWIP there is a proposal for a new controlled pedestrian/cycle crossing on the northern arm of the roundabout to improve the pedestrian/cycle connectivity to the airport.)
- Orange – potential Clyst Valley Trail Route (Sowton Village, Honiton Road, Blackhorse Lane, Mosshayne Lane)
- Orange Dashed – alternative Clyst Valley Trail Route (Bishops Court Lane, Clystside, Honiton Road, Blackhorse Lane)
- Green – existing quiet cycle route to Blackhorse Lane (to Science Park routes into Exeter)

	<ul style="list-style-type: none"> • Red – existing public footpath, potential future cycle route (Clyst Valley Trail). (note - at the moment in the LCWIP, other routes are a priority and as it is through flood plain it would be expensive to deliver (and landowner consent would be needed) so at this stage, EDDC suggest this is either identified as a ‘Potential Future Cycle Route’, or just shown as an existing public footpath) <p>EDDC can create a GIS version of this map for insertion in the Plan to replace the existing Figure 55. The PC have confirmed in writing they would be happy with this proposal, subject to amended Figure label.</p>
7	<p>Plan Monitoring</p> <p>Page 135 of the Plan refers to monitoring to be undertaken by EDDC. Does EDDC have a view on this?</p>
	<p>Unless directed otherwise, this question relates to the opening sentence of the monitoring section which says, "A responsibility for monitoring Neighbourhood Plans also rests with the Local Planning Authority and this function will be carried out by East Devon District Council".</p> <p>EDDC can advise that the only routine monitoring we do currently is very high level and not in relation to individual plan implementation. This may change in the future but currently this is limited to reports on the progress of neighbourhood plan preparation across the district which we publish on our webpages. We are due to update this for 2024, but for information, it can be seen our website at: https://eastdevon.gov.uk/planning/planning-policy/neighbourhood-and-community-plans/neighbourhood-plans/neighbouring-plans-monitoring/</p> <p>In addition, with the inclusion in our new emerging Local Plan of Designated Neighbourhood Area (DNA) Housing Requirement figures for each DNA (arising from updates to the NPPF in 2018), we will likely need to do some more monitoring related to this aspect which we envisage being through our annual housing monitoring work.</p> <p>On this basis, we would for clarity that the sentence in the plan on p.135 is either removed or amended to read " A responsibility for monitoring neighbourhood planning at the district level rests with East Devon District Council as the Local Planning Authority". Or words to that effect. The text could then also make it clearer that the responsibility for monitoring the effectiveness of the implementation of the Clyst Honiton Neighbourhood Plan rests with the Parish Council, with any support or guidance as required from East Devon District Council in this role.</p>