

Clyst Honiton Neighbourhood Plan Examination

Responses to Examiner's Clarification by Clyst Honiton Parish Council (as recommended and agreed with the Neighbourhood Plan Steering Group)

<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>
	<p><u>Parish Council Response</u></p> <p>Attached is a Reg 16 response table which makes comments on all the representation received at Reg 16 by the NP Steering Group. A lot of the question are answered from this document.</p> <p>EDAL: Policy E3: Disagree with objection. CHPC wish to see the policy to remain. Happy for the policy to be adjusted to ensure noise mitigation is strengthened. This policy is a new policy which was an amalgamation of 2 policies from the Reg 14 draft. It was a deliberate decision to withdraw specific employment class uses from Site 1,2,3 to allow EDDC and EDA to determine the acceptable commercial class use for these sites. To note: That despite restrictive guidance provided in the response by EDAL for the three sites (Site 1 would be exposed to noise levels of 69dB, Site 2 sits between the 63 and 66dB contours, and Site 3 between the 66 and 69dB contours. Moreover, the majority of Site 1 and part of Site 3 lie within the Airport PSZ.) This EDAL guidance has not been applied to recent successful planning applications (allowed on appeal) at Site 1 and 3:</p> <ul style="list-style-type: none">• Site 1 within the PSZ has recently had a planning application granted for commercial use in 20/0191/ FUL and 24/0836/DOC,• Site 3 in the 66 and 69db and close to the PSZ, a planning application 21/1125/OUT and 22/0942/RES for residential development (which requires greater mitigation than commercial class use) was accepted with most noise mitigation requirements being met except for outside amenity mitigations as see in the Clarke Saunders Noise Assessment. <p>EDAL SA1: Disagree with the objection. Wish to see the policy remain; happy for it to be strengthened. Below is information to support the policy.</p>

1. Submission Documents Appendix 12 (BAP Noise Assessment) provides monitored readings of 57Dcb day and nighttime less than 54Dcb close to this site this shows that the site experiences a much lower noise level than the airport noise contour bands. CHPC are happy for a noise assessment to be included within the policy requirements similar to those in Point 3: flooding. The strengthening of this part of the policy will ensure that a noise assessment targeting the guideline internal noise levels detailed in the *Professional Practice Guidance: Planning and Noise – New Residential Development (May 2017) (ProPG)* are carried out to demonstrate how the scheme can minimise noise impacts for occupants.
2. Site Layout: The site is quarried out creating a back wall. There are also houses on the land beyond the site, both of these features act as barriers for airport noise. This factor has not been acknowledged. A detailed Noise Assessment on the site would determine what level of airport noise protection these features provide. There will still be noise generated from the road fronting the site. In the 2020 Noise Assessment the dominant source of noise picked up by monitor S2 closest to the site was traffic on York Terrace.
3. The Site Viability (Appendix 11) included all costs for mitigating noise for site SA1 and this would have included those highlighted in *Professional Practice Guidance: Planning and Noise – New Residential Development (May 2017) (ProPG)* (See details below) was developed by the IoA, the Chartered Institute of Environmental Health and the Association of Noise Consultants. Such mitigation requirements encourage better acoustic design for new residential development, with the aim of protecting people from the potentially ill health effects of excessive noise levels in and around the site. The inclusion of mitigation costs in the viability evidences an understanding of the need for the houses in this noise contour to be designed to mitigate for noise.
4. A recent planning application in Clyst Honiton Village next to the PSZ and in the 63-65 noise contour had no outdoor amenity mitigation provision provided but the development still went ahead. It is acknowledged that the area in Policy NE3 sits within the 60-63 noise contour but there is access to land beyond this noise contour available for residents within a 5-minute walking distance. ProPG encourages a more holistic consideration of amenity rather than simply rating the level of noise outside. The Noise Assessment App 12 records that noise levels in the gardens will not be particularly desirable but that they are not unacceptable. This is a key factor.
5. The 2020 Noise Assessment has provided nighttime data and App 12 states that nighttime noise effects are significant and will require mitigation. App 12 summary and the App 12 BAP addendum confirmed that noise mitigation will be required to comply with national and local policies and that such mitigation will provide and enable suitable environmental conditions for future residents and users of the site with regards to noise. Site SA1 is therefore in general conformity with EDLP Strategy 17.

Extra building mitigation Information:

The ProPG encourages a more holistic consideration of amenity rather than simply rating the level of noise outside. ProPG states the following regarding the consideration and assessment of noise in amenity spaces:

“3(i) “If external amenity spaces are an intrinsic part of the overall design, the acoustic environment of those spaces should be considered so that they can be enjoyed as intended”.

3(ii) “The acoustic environment of external amenity areas that are an intrinsic part of the overall design should always be assessed and noise levels should ideally not be above the **range 50 – 55 dB LAeq,16hr.**”

3(iii) “These guideline values may not be achievable in all circumstances where development might be desirable. In such a situation, development should be designed to achieve the lowest practicable noise levels in these external amenity spaces.”

3(iv) Whether or not external amenity spaces are an intrinsic part of the overall design, consideration of the need to provide access to a quiet or relatively quiet external amenity space forms part of a good acoustic design process.”

EDDC Policy E3:

CHPC are in support of changes suggested in bullet 1 &2.

- Bullet 3 Criteria (v) is in place to facilitate and safeguard commercial development as part of the NDO. The Policy therefore needs a criterion that specifically addresses that need. Welcome Examiner to rewrite this.
- Bullet 4: Happy for Design Code to be added.

Note: Policy deliberately does not cover existing Business Parks with the knowledge that development of these is embedded in the EDDC emerging plan within the strategic policies.

EDDC SA1:

- Bullet 1: CHPC Agree with changes / suggestions.
- Bullet 2: CHPC happy for policy to be worded more precisely (as indicated in the EDAL response). Agree that internal noise standards and external space standards in BS8233 can be referenced in the policy but to add a clause to allow for more recent legislation, as this was set twenty years ago in 2014.
- Bullet 3: This site brings forward houses that will balance the housing stock of the village. The Viability work (Appendix 11) revealed that affordable houses can be delivered on the site. The housing needs survey revealed the need for three affordable houses. CHPC in support of affordable housing specifics to be included in the policy.
- Bullet 4: CHPC agree that it is important that “meeting space standards” is added to Point 1 of the policy.

EDDC Non-Policy Comments:

CHPC are happy for examiner to decide on these.

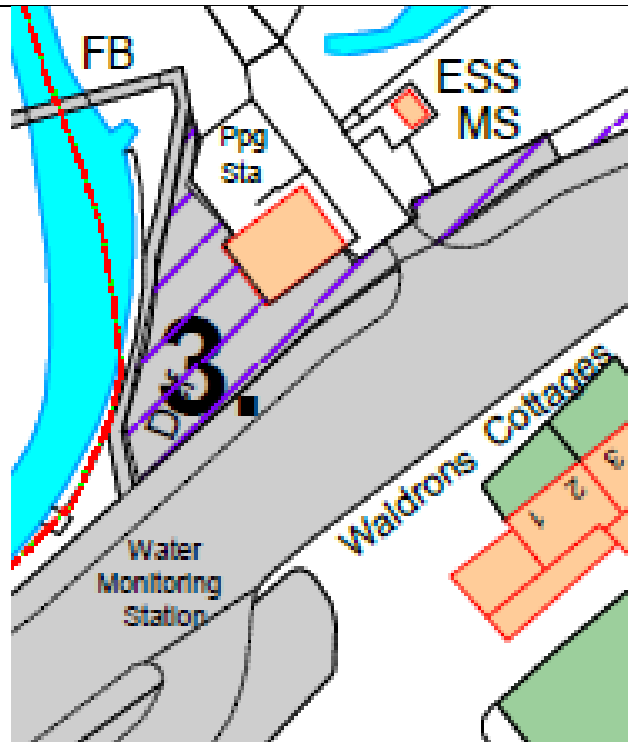
CHPC text observations:

An error was detected on page 35 where it referenced Policy NE4 which should be NE3.

	An error was detected in DS1 where Design Codes should be 1-6 not 1-4
2	<p><u>Policy DS6: Storage Spaces</u> 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>This came about because of the EDDC Reg 14 Response. Original policy wording: secure and dry external storage to accommodate bicycles, scooters and or mobility aids. At Reg 14, EDDC advised that it was best for the policy to specify the number of bikes for storage. They provided information that the Cranbrook Plan had stipulated two bikes and that this was accepted at Examination. The CHPC agreed to the policy being rewritten and to include a number of bikes (2) in recognition that; two was a minimum specification, and that specifying a number was a benchmark for developers bringing forward planning applications.</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 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?</p>
	<p>a) This originated from the initial Call for Sites and after the Aecom Site Appraisal report, the landowner confirmed for the site to continue in the NP process (see table 2 page 26 of Appendix 21 Site Allocations). The landowner has confirmed continued support for the policy (July 2024). b) It was agreed by the CHPC it was in support of the EDDC response and that it would be best to write the provision of affordable housing within the policy. As set out in the Reg 16 response supplied, this site brings forward houses that will balance the housing stock of the village. The Viability work (Appendix 11) revealed that affordable houses can be delivered on the site. The housing needs survey revealed the need for three affordable houses. CHPC in support of affordable housing specifics to be included in the policy. c) A specific site design study has not been completed, but the AECOM Site Assessment provided 9 dwellings, and the Viability Assessment worked with 9 dwellings. The Site lends itself to 3/ 4 storey buildings close to the quarry wall. The policy allows for this gateway site to deviate from the existing terrace street scene. This flexibility of design was deliberate to allow for the number of houses/ units. d) None. The need for green space 5 minutes away is not a mitigation requirement. The Noise Assessment (Appendix 12) records that noise levels in the gardens will not be particularly desirable but that they are not unacceptable. A green space within approximately 5-</p>

	<p>minute walk will be met by the Tithebarn open space provision opposite the River Clyst which can be accessed by residents using the public footpath and bridge in Clyst Honiton close to the bus stop and pumping station.</p>
<p>4</p>	<p><u>Policy NE3: River Clyst Park</u></p> <p>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?</p>
	<p>a) At both Reg 14 and Reg 16, EDDC were in support of the policy. b) Lichfields Policy NE3</p> <ul style="list-style-type: none"> • The LPA are in support of this policy (see EDDC reg 16 response). • The land safeguarded sits within the Clyst Valley Regional Park (East Devon Local Plan Strategy 10) • The community is being swallowed by strategic development and use of a green space on its doorstep is much needed and supported. Accordingly, the Parish Council are keen to see the policy to remain within the NP and are happy for alterations to the policy to facilitate this (see points 1-7 below) • The CCE as a registered Charity with a diverse portfolio of provision (See Lichfields Introduction and Context) to include “new areas of open space, which benefit not only new residents but also neighbouring communities”. This policy is providing such provision. <p>Comments on points raised:</p> <ol style="list-style-type: none"> 1. Airport noise assessments provide evidence that site within this airport noise contour do not require amenity off site noise mitigation, it is seen as a bonus for residents if there is open space within a 5-minute walk, but it is not a mitigation requirement. This noise mitigation content can therefore be deleted from the policy. 2. The section 106 agreement (2018) legislation has not been implemented by the landowners after 4 years since the formal request was made from EDDC, so there is no PRow in place. The purpose of this policy was to add a level of safeguard and support for the provision of public access at a minimum within the Policy site with the hope that the full PRow beyond the Policy site, would also be delivered in the future. 3. The comment about seasonal use should remain as this a flood plain and the PRow use will be seasonal.

	<p>4. The use of the term community can be changed to a more inclusive term and include all the neighbouring communities rather than just the Clyst Honiton community. There is an understanding that Clyst Honiton residents are likely to be the largest daily users as it is opposite the village being less than 100m away. Such a change will comply with the specification found in the CCE Introduction and Content section of the Reg 16 response.</p> <p>5. There is support for the policy to encompass public access to include wildlife and livestock sensitivities. Such sensitivities are locally common where extensive swathes of other land beside local rivers have similar public access sensitivities. (E.g. Exe, Otter, Clyst all share the land with wildlife and livestock (cows and sheep)).</p> <p>6. CHPC are happy for the PRoW map provided in Figure 1 to be included in the NP. This would show the yellow path routes within NE3 and to provide clarity as to the larger 106 provision.</p> <p>7. The inclusion of community facilities within the policy can be deleted as C3 supports the development for such community structures and could include joint funding projects with the Clyst Valley Regional Park. The policy could take out the examples 1 – 4 and put them into the justification section. The policy wording could be altered to: Proposals related to the enhancement of the River Clyst Park for neighbouring communities will be supported.</p> <p>C –wording should read : Development proposals will not be allowed in the Clyst Valley Regional Park , unless it conforms with Local Plan Policy relating to development within the CVRP.</p>
5	<p><u>Policy NE4: Local Green Spaces</u></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>EDDC is to provide a map showing the whole extent of Green Space 4. Ahead of the supply of a replacement map, for the Examiner’s information, this extract below from NPSG records shows the missing verge area 4 (labelled 3 on the map) in its entirety:</p>



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.

- a) CHPC happy for suggested changes / comments made by DCAF.
Regarding EDDC: This has been provided in Q1 above.
- b) Should be Figures 43 and 55
- c) EDDC will provide the annotated map. The PC are happy with the annotated map and new key, but note the title of Figure 55 would also need altering.

7	<u>Plan Monitoring</u> Page 135 of the Plan refers to monitoring to be undertaken by EDDC. Does EDDC have a view on this?
	See comment from EDDC.