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Dear Ms King

Clyst Honiton Neighbourhood Plan Regulation 16 Consultation – April 2024

We write on behalf of our client, the Church Commissioners for England (CCE), in response to the above consultation. CCE owns land in Clyst Honiton, known as the 'Bypass Site', which was previously subject to a draft allocation in the Regulation 14 Pre-submission Neighbourhood Plan for a residential led mixed use development, including a new community facility. CCE welcomes the opportunity to engage with Clyst Honiton Parish Council and Steering Group on its emerging Neighbourhood Plan (NP) and its Neighbourhood Development Order (NDO).

This letter provides CCE's response to the Regulation 16 version of the Clyst Honiton NP, dated January 2024.

Introduction and context

CCE is a registered charity that supports the work and mission of the Church of England across the country. Its investment policy is to hold a diverse portfolio of investments across a broad range of asset classes consistent with its ethical guidelines. Its Strategic Land team brings forward land for new housing development with the aim of delivering new homes and employment opportunities which support and enhance the local community. Many new developments also include new schools, community facilities, and new areas of open space, which benefit not only new residents but also neighbouring communities.

CCE owns land in Clyst Honiton known as the 'Bypass Site', which was previously subject to a draft allocation in the NP under draft Policy SA3. In parallel with the NP, the Clyst Honiton Steering Group is progressing an NDO which aims to bring forward the 'Bypass Site' for residential development, including employment space and a new community facility. It is understood that the new community facility is a key driver underpinning the production of the Clyst Honiton NP. According to the Clyst Honiton Parish Council website, work on the NDO is still progressing as further liaison with the organisations involved is required.

As a key stakeholder, CCE has engaged with and supported the Clyst Honiton Steering Group from the outset, funding a number of surveys in relation to the production of the NP and NDO. Whilst CCE supports in principle the NP and the NDO, it objects to several elements of the NP in its current form which are contrary to CCE's previous comments in representations to the Regulation 14 Pre-submission version of the Plan.

Response to emerging policies

Omission of Policy SA3 – Site adjacent to the Clyst Honiton Bypass

Draft Policy SA3, which allocated the Bypass Site for residential-led mixed use development, comprising a maximum of 50 dwellings, employment space and a new community facility, has been removed from the NP. The site was to be brought forward in line with Policy SA3 by the NDO. The NP states that Policy SA3 offered an alternative option for development of the site which provided less security for the delivery of a community building, housing and economic units, and was therefore jeopardising the NDO.

Following Regulation 14 consultation it was agreed by the Steering Group that the NP would be submitted ahead of the NDO which requires further technical work. The omission of Policy SA3 allows the NP and NDO to become discrete, stand-alone documents, and for the Bypass Site to be delivered only through the NDO, supported by other policies in the NP.

CCE supports the omission of Policy SA3 from the NP on the basis that further technical work is required to support the potential allocation. CCE remains keen to work with the Parish Council and Steering Group as the NDO progresses.

Policy NE3 – River Clyst Park

CCE object to draft Policy NE3 which is an allocation safeguarding public amenity space for use by the local community and/or the public on an area of land owned by CCE. The supporting text states that this public amenity space will provide noise mitigation for future residents of the housing allocation under Policy SA1 (Slate and Tile Site) due to the site's proximity to the airport.

The land designated by the Policy denoted in Figure 48 of the NP is already safeguarded via a Section 106 legal agreement ('S106') attached to planning permission 17/0532/MOUT, granted in 2017 at Land at Hayes Farm (Phase 2) Clyst Honiton for the development of 'Exeter Gateway Phase 2', a storage and distribution centre.

The S106 agreement (dated 8 June 2018) requires the provision of a Public Right of Way (PRoW) in perpetuity over land at Hayes Farm. CCE own the freehold of the PRoW and it has been agreed in principle with East Devon District Council and Devon County Council that the PRoW will be dedicated as access land pursuant to Section 16 of the Countryside and Rights of Way Act 2000. The S106 obligates CCE to provide a PRoW shown as the dashed yellow line within part of the land shaded yellow in Figure 1. The red line indicates access retained for the owner and not by the public.



Figure 1: Plan extract of land at Hayes Farm from the signed S106 agreement (2018)

Policy NE3 shows the southern part of the area shaded yellow at Hayes Farm safeguarded “as a public amenity space” for “seasonal community use”. CCE object to this policy as the extent of public access is restricted to the footpath in Figure 1 only, not the whole area shaded green in Figure 48 of the NP.

In negotiations of the S106 agreement, Natural England advised that the dedication “comes with lots of controls on public access as it affects wildlife and livestock, such as dogs on leads during the summer breeding period”. CCE therefore objects to the supporting text of Policy NE3 which references “encouraging higher levels of access” to the site, as public access needs to be controlled to manage wildlife and livestock sensitivities.

In addition, CCE objects to the supporting text referencing the land as “for community use by the communities close to it”. Access cannot be restricted to local community use only as the S106 agreement includes provisions for access by the owner, as shown by the red line in Figure 1 above. Furthermore, given restrictions on access to the PRoWs only, and restriction of activities on the land due to the wildlife sensitivities, CCE question whether the site can provide the airport noise mitigation required for the residential development of the Slate and Tile Site (Policy SA1).

Draft NPs are required to meet the basic conditions set out in [paragraph 8\(2\) of Schedule 4B to the Town and Country Planning Act 1990](#), as applied to NPs by section 38A of the Planning and Compulsory Purchase Act 2004. Basic condition (d) states that the NP needs to contribute to the achievement of sustainable development. This basic condition is consistent with the planning principle that all plan-making and decision-making should help to achieve sustainable development. For the reasons set out above, and given the wildlife sensitivities of the site, draft Policy NE3 would fail to contribute to the achievement of sustainable development, and therefore fails to meet basic condition (d).

For these reasons, CCE objects to draft Policy NE3 and Figure 48 which conflicts with the S106. CCE request that Policy NE3 is removed from the NP.

Policy C2 - New community building

CCE supports in principle draft Policy C2 and the provision of a new community facility in the village, to be delivered through a residential development scheme if required to make the facility viable. It also supports the Policy requirement for the scheme to be supported through an NDO. The NP goes onto state (page 92) that Policy C2 is included to provide the decision-making framework for the future NDO site (the Bypass Site), along with Policy E3.

As per previous representations to the Regulation 14 version of the NP, CCE would highlight that delivery of the community building on the Bypass Site would be reliant on selling houses to fund its construction, as well as the development of supporting infrastructure such as access and parking. It therefore cannot be constructed and delivered ahead of the occupation of any residential units (as suggested in the previous NP draft/Policy SA3). Further, a community facility within/immediately adjacent to a development site could be unusable from a health and safety, and practical, perspective given the construction traffic, security fencing etc., placing an operational burden on the Parish Council.

Policy C3 – New community facilities and services

Whilst CCE supports the provision of new community facilities within the NP area, it objects to draft Policy C3 and specifically to the reference to new community facilities at the River Clyst Park – the area proposed for allocation under Policy NE3. For the reasons set out above, new community facilities cannot come forward on this land as access is restricted to the PRoWs by the 2018 S106 agreement.

CCE requests the Policy C3 is amended to remove the following sentence: *“Proposals to bring forward new community facilities at the River Clyst Park (Policy NE3) will be supported”*.

Policy E3 – Opportunities for new and/or improved business development in Zone A

CCE supports in principle draft Policy E3 and the provision of new and/or improved business development in Zone A of the NP area. It supports the requirement for development proposals for new businesses adjacent to the village to be brought forward in line with the emerging NDO.

Policy D1 – Development of high- quality design

CCE is supportive of the aims of draft Policy D1 to achieve high quality development and that the existing character of Clyst Honiton should inform the design of development proposals. Policy D1 is considered to be in general conformity with the strategic policies outline in the local development plan, as well as national policy, and therefore meets the basic conditions outlined in the Regulations.

Policy NE1 – Landscape and Biodiversity

CCE endorses the NP’s objective to protect and increase the area’s landscape and biodiversity and supports in principle the requirement set in draft Policy NE1 for new development to achieve at least a 10% Biodiversity Net Gain (BNG). This aligns with new national policy/guidance, and will contribute to the achievement of sustainable development, meeting the basic conditions outlined in the Regulations.

The BNG report prepared by Burton Reid Associates (August 2022) in relation to the Bypass Site, published as part of the evidence base for the Regulation 14 version of the NP and Regulation 21 version of the NDO, proposes to achieve BNG for the development using off-site mitigation in three fields surrounding the site which are within CCE's ownership. As set out in CCE's previous representations, it has not agreed to including this land for BNG purposes with the Parish Council or Steering Group.

Conclusion

CCE welcomes the opportunity to comment on the emerging Clyst Honiton NP. In short, CCE is concerned with the inclusion of Policy NE3, which is not in accordance with CCE's previous advice set out in representations to the Regulation 14 version of the Plan. We would, therefore, encourage the Parish Council/Steering Group to revise the aforementioned policies to overcome the issues raised.

We trust that these representations are clear, and we would be grateful if you would continue to keep us informed and part of the emerging NP and NDO progress. We welcome further discussions to address the issues raised and how we can best work together to bring forward development at the Bypass Site and the new community facility.

Yours sincerely



Caitlin Newham
Senior Planner

Copy Church Commissioners for England