

Report to: Cabinet

Date of Meeting 13 July 2022

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A



---

## **Kilmington Neighbourhood Plan Examiner's Report**

### **Report summary:**

The purpose of the report is to provide feedback and set out proposed changes following the examination of the Kilmington Neighbourhood Plan. The independent examination of the Plan has now concluded and the final Examiner's report received. In accordance with the relevant legislation, the District Council must now consider its response to the Examiner's recommendations and also satisfy itself that the Plan meets the necessary 'basic conditions'. If the recommendation to accept the Examiner's recommendations in full is accepted, a decision notice will be published accordingly. This will confirm that the Plan can go forward for public vote in a local referendum as the penultimate stage in the plan-making process. An updated (Referendum Version) of the Neighbourhood Plan will also be published. The publishing of the decision notice itself will give the Plan significant weight in the determination of planning applications in the Kilmington parish area.

### **Is the proposed decision in accordance with:**

Budget Yes  No

Policy Framework Yes  No

### **Recommendation:**

1. That Members recommend that the Examiner's recommendations on the Kilmington Neighbourhood Plan (the Plan) are endorsed.
2. That Members recommend approval of a 'referendum version' of the Plan (incorporating the Examiner's modifications) to proceed to referendum and that a decision notice to this effect be published.
3. That Members congratulate the Neighbourhood Plan Steering Group on their hard work.

### **Reason for recommendation:**

The legislation requires a decision notice to be produced at this stage in the process. The Plan is the product of significant local consultation and has been recommended to proceed to referendum by the Examiner subject to modifications which are accepted by the Parish Council.

Officer: Angela King, Neighbourhood Planning Officer. Email: [aking@eastdevon.gov.uk](mailto:aking@eastdevon.gov.uk)  
Phone: (01395) 571740

---

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment

- Council and Corporate Co-ordination
- Democracy, Transparency and Communications
- Economy and Assets
- Finance
- Strategic Planning
- Sustainable Homes and Communities
- Tourism, Sports, Leisure and Culture

### **Equalities impact** Low Impact

Neighbourhood Planning is designed to be inclusive and extensive consultation is a fundamental requirement. The Neighbourhood Plan has gone through wide consultation with the community and has been advertised in a variety of formats to increase accessibility. All electors are invited to vote in the referendum.

### **Climate change** Low Impact

**Risk:** Medium Risk; There is a risk that the Neighbourhood Plan could fail the referendum if a majority of the community vote against it.

**Links to background information** [The Localism Act](#); [Plain English Guide to the Localism Act](#); [National Planning Policy Framework \(2021\)](#); [Neighbourhood Planning Regulations](#); [Neighbourhood Planning Roadmap Guide](#); [East Devon Neighbourhood Planning webpages](#); [Kilminster Neighbourhood Development Plan \(Submission Version\)](#); [Examiner's Final Report](#).

### **Link to [Council Plan](#)**

Priorities (check which apply)

- Better homes and communities for all
- A greener East Devon
- A resilient economy

---

## **Report in full**

### **The Examination**

- 1.1 The Kilminster Neighbourhood Plan has now been examined and, subject to modifications, it has been recommended that it proceed to referendum. The Examiner, Deborah McCann, was appointed by East Devon District Council, following consultation with Kilminster Parish Council.
- 1.2 The examination was undertaken on the basis of considering the written material which forms the Plan, its appendices and accompanying statements as well as representations received in response to the formal consultations. The Examiner did not consider it necessary to hold a public meeting. The [Plan \(as submitted for examination\)](#) and the [Examiner's report](#) are available to view on our website.
- 1.3 The legislation, reflected in the Council's [Neighbourhood Planning Protocol](#), requires the Policy Team to notify Members of the findings and recommendations of the Examiner and how the Council proposes to respond to the recommendations. The agreed response will then be published as a decision notice.
- 1.4 The Examiner has recommended textual modifications to 13 of the 25 policies within the Plan, together with several other amendments to plan text, for reasons of clarity/accuracy and to meet the 'Basic Conditions'. These amendments are summarised and explained in Annex 1.

- 1.5 In the process of considering her recommendations, the Examiner consulted with both the Parish and District Council and gave the opportunity for responses to be made to specific questions. The questions and the responses can be viewed on the [Kilmington neighbourhood plan webpage](#). The Examiner's reasons for all of the amendments are explained in more detail in the Examiner's report.
- 1.6 In supplying her report, the Examiner congratulated the Kilmington neighbourhood plan steering group for all the hard work that went into producing 'a very thorough and comprehensive' neighbourhood plan. Overall, the examiner concluded in her report that, "the Kilmington Neighbourhood Development Plan and the policies within it, subject to the recommended modifications does meet the Basic Conditions" and "can, subject to the recommended modifications proceed to Referendum".

### **Response to the Examiner's Recommendations**

- 1.7 Under paragraph 12 of the Town and Country Planning Act it is for the Local Planning Authority (EDDC) to consider the recommendations made in the Examiner's report and the reasons for them and decide what action to take in response to each recommendation.
- 1.8 The District Council must also be satisfied that the Neighbourhood Plan:
- i. meets the necessary 'Basic Conditions' by;
    - having regard to national policies and advice contained in guidance issued by the Secretary of State;
    - contributing to the achievement of sustainable development;
    - being in general conformity with the strategic policies of the Development Plan for the area;
    - not breaching, and being compatible with European Union obligations (as retained and/or incorporated into UK law)
  - ii. is compatible with the European Convention of Human Rights (within the meaning of the Human Rights Act 1998), and;
  - iii. complies with the provisions under section 38A and 38B of the Planning And Compulsory Purchase Act,

(or that the draft Neighbourhood Plan would do so if modifications were made to it, whether or not recommended by the Examiner, before a referendum is held.)

- 1.9 The Neighbourhood Plan regulations go on to state that if
- a) the Local Planning Authority propose to make a decision which differs from that recommended by the Examiner, and
  - b) the reason for the difference is (wholly or partly) as a result of new evidence or a new fact or a different view taken by the authority as to a particular fact, then,
- the authority must notify prescribed persons of their proposed decision (and reason for it) and invite representations.
- 1.10 The legislation, which is reflected in our protocol, requires the Council to consider and respond to the Examiner's report. Officer assessment is that with the incorporation of the amendments suggested by the Examiner, the Council can be satisfied that the Plan meets the legal requirements. There are not considered to be any grounds to reject the findings of the report.

- 1.11 Members are therefore asked to agree to accept the recommendations of the Examiner's report and agree that a notice to this effect be published.

## **Next Steps**

- 1.12 A revised version of the Plan (known as the 'Referendum Version'), incorporating the recommended changes, will be made available to view on the [Kilminster page](#) of the East Devon District Council website, together with the Decision Notice. As well as incorporating the Examiner's recommended changes, East Devon District Council Officers will work with Kilminster Neighbourhood Plan Steering Group to help ensure the accessibility of the plan document. This may require some changes in formatting and layout, together with addition of descriptive text ('alt text') for images, but will not otherwise amend any part of the plan.
- 1.13 The District Council will be responsible for arranging a referendum where all electors within the parish of Kilminster will be invited to vote on whether the Neighbourhood Plan should be used to make planning decisions in the Parish. If more than 50% of those who vote say 'yes', the Neighbourhood Plan will be made and will form part of the Development Plan for East Devon, where it will carry full weight in the planning decision making process.

---

## **Financial implications:**

Central Government funding is available for Neighbourhood plans. This income covers not only examination fees but also all other associated costs such as employment and all other supplies and services. Any residual funds are placed into an earmarked reserve and utilised to cover funding gaps in subsequent years.

## **Legal implications:**

On 3 May 2022, the Council agreed that all decision making bodies (Council, Cabinet and main committees) together with Panels, Forums etc, will be held virtually with decisions delegated to senior officers until 23.59hrs on 31 October 2022 (or earlier if there is a subsequent decision to this effect). As the report identifies, it is a formal requirement for the Council to consider the Examiner's recommendations and satisfy itself that the proposed neighbourhood plan, as modified, meets the prescribed 'Basic Conditions'. The purpose of the report is to satisfy this formal requirement. Assuming Members recommend endorsement and the Senior Officer approves the proposed recommendations then the Council is obliged to publish a notice to this effect, pursuant to the applicable Regulations, and Recommendation 2 covers this aspect. The report also identifies that the District Council is responsible for organising the referendum and requires a resolution to progress this. At this stage there are no other legal observations arising.

## Annex 1: Examiner's Proposed Modifications and Officer Responses

### 1. Plan Period

The Plan period (2020-2031) should be included on the cover of the Kilmington Neighbourhood Plan.

*EDDC Officer Comment: Agree. This is required for clarity and completeness.*

### 2. Policy HD1: Community Engagement

Whilst the National Planning Policy Framework (NPPF) (2021) states that it is good practice for developers to engage with communities at an early stage, it is not an absolute policy requirement. The provisions set out in paragraph 2 of Policy HD1 reflect the requirements of EDDC in their Statement of Community Consultation; this is not policy. For clarity and to meet the Basic Conditions paragraph 2 should be modified to reduce the requirement from 'must' to 'strongly encourage', with specific reference to the minimum expectation to 'meet the requirements of the EDDC Statement of Community Consultation'.

*EDDC Officer Comment: Accept, for accuracy.*

### 3. Policy HD2: Housing Development within the Built-up Area Boundary

For clarity and in response to EDDC comments made at Regulation 16 stage, to amend paragraph 1 of the policy from:

"1. The preferred location for new housing development is within the defined Kilmington Built-Up Area Boundary. This is reproduced in Figure 6 and is consistent with that in the adopted East Devon Villages Plan 2018. Proposals for new dwellings outside the BUAB, other than those allowed for in the allocations and policies of this Plan, will not normally be supported."

to:

"1. The preferred location for new housing development is within the defined Kilmington Built-Up Area Boundary **as shown on Figure 6**. Proposals for new dwellings outside the BUAB, **other than in accordance with Policies HD3, HD4 and HD5 of this Plan**, will not normally be supported.

Also, to strengthen the opening clause of paragraph 2, from "Preferred sites will be", to "Sites should be", as well as removing the hyphen from "built-form" in paragraph 4.

*EDDC Officer Comment: Agree. This incorporates comments made by EDDC and improves clarity and accuracy of the policy wording.*

### 4. Policy HD3: Land off George Lane (adjacent to Dares Field)

To modify the policy to address that it is currently very long and in places lacks clarity or does not meet the Basic Conditions.

In summary, the modifications comprise:

- Modify paragraph 1 to clarify the allocation is for, "**up to or around** 14 dwellings to meet the housing ~~demands and~~ needs of the local community during the term of this plan"
- To move the clause relating to the issue regarding phosphates in the River Axe to the top of the list of criteria to emphasis this is an overriding requirement.

- To remove the requirement for proposers of development to engage with the local community and Parish Council, prior to submission of a planning application, from paragraph 2, in line with the modifications (above) to Policy HD1.
- To require instead that the Development Brief for the site takes account of the aims and objectives of the neighbourhood plan, and the views of the local community.
- To omit the explicit reference in the policy clauses to the affordable housing requirement of 50% being 'subject to viability'. (The Examiner noted EDDC comment that this site is not a Rural Exception Site but is an allocation and as such the Council's affordable housing requirement should be 50% in accordance with Local Plan Strategy 34).
- Some separation or linking and re-ordering of the existing policy clauses for clarity, brevity and better legibility and flow.
- Strengthen some of the clauses to increase the likelihood of certain aspects being secured, for example, replace "consider orchard planting" with "including orchard planting."
- Draw together and strengthen the various requirements relating to landscaping/ planting under an overarching requirement for a "**detailed** landscaping scheme".
- Strengthen the biodiversity requirement to better reflect the national requirement, replacing "...enhance biodiversity..." with, "include provision for, as a minimum, biodiversity net gain in compliance with national policy..."

The modified policy wording is shown in full in Annex 2.

*EDDC Officer Comment: Agree. The modification improves clarity and flow of the policy wording, and addresses points raised by EDDC at Regulation 16 Submission stage. Regarding viability, whilst this may be the subject of negotiation at application stage, Officers welcome that this is now implicit and the starting point of 50% is set as the clear expectation. In addition, since the Examination concluded, the Neighbourhood Plan group have advised that the cross-reference to a 'Transport Plan' in criteria 'v) c' of this policy should be deleted as such a plan has not been produced. Officers recommend this additional minor modification in order to correct this error and avoid confusion in implementing the policy.*

#### 5. **Policy HD4: Land off Whitford Road (north of The Beacon)**

Similar to Policy HD3, to modify the policy to address the fact that it is very long and in places lacks clarity or does not meet the Basic Conditions. Also, to reflect that whilst the reason for wishing to keep the dwellings 'small' is understood, the policy justification does not provide any evidence or justification for the absolute requirement the policy seeks to introduce via a maximum space standard for dwellings on the site.

In summary, the modifications comprise:

- To move the clause relating to the issue regarding phosphates in the River Axe to the top of the list of criteria to emphasis this is an overriding requirement.
- To remove the requirement for proposers of development to engage with the local community and Parish Council, prior to submission of a planning application, from paragraph 2, in line with the modifications (above) to Policy HD1.
- To require instead that the Development Brief for the site takes account of the aims and objectives of the neighbourhood plan, and the views of the local community.
- To include reference to affordable housing in policy clause 4(ii) as part of the potential housing mix that the proposed scheme will need to consider providing in meeting identified local housing need.
- Some separation or linking and re-ordering of the policy clauses for clarity, brevity and better legibility and flow.

- Strengthen some of the clauses to increase the likelihood of certain aspects being secured, for example, replace “consider orchard planting” with “include orchard planting.”
- Draw together and strengthen the various requirements relating to landscaping/ planting under an overarching requirement for a “**detailed** landscaping scheme” with the additional of a requirement (in line with that in Policy HD3) to provide, “a detailed management plan for the ongoing care and maintenance of trees and hedgerows on the site”
- Strengthen the biodiversity requirement to better reflect the national requirement, replacing “...enhance biodiversity...” with, “include provision for, as a minimum, biodiversity net gain in compliance with national policy...”
- To introduce a degree of flexibility to the size requirement for dwellings by stating the requirement as being “up to or around” the 96m<sup>2</sup> in recognition of the possible needs of occupiers, including for live-in carers, visiting relatives and accommodating sufficient space for wheelchair users.
- To remove cross reference to the Building Regulations in relation to required accessibility standards on the basis that the Building Regulations Standards fall outside the planning policy regime.

The modified policy wording is shown in full in Annex 2.

*EDDC Officer Comment: Agree. The modification improves clarity and flow of the policy wording, and addresses points raised by EDDC at Regulation 16 Submission stage. (To note the top level clause numbering in the policy is incorrect in the examiner’s final report but this has been raised with the examiner and is shown corrected in the revised policy wording in Annex 2).*

## 6. Housing Site Allocations Justification

To correct the error in the penultimate paragraph of the supporting text for the housing site allocations in Policies HD3 and HD4 of the neighbourhood plan, to clarify that these are being brought forward under the adopted Local Plan policy Strategy 27, rather than as Rural Exception Schemes under Strategy 35 of the Local Plan.

*EDDC Officer Comment: Agree, for accuracy. The examiner has not proposed how the text should be amended to reflect this. It is therefore recommended that the current wording:*

“The sites lie outside but adjacent to the built-up area boundary and therefore need to meet the requirements of the “exceptions” policy in the Local Plan, Strategy 35 (or equivalent replacement policy). Meeting the requirements of this policy fits with the pattern of housing needs we have established as required in the village.

*be replaced with:*

“The sites lie outside but adjacent to the **Built-Up Area Boundary** and are allocated for development further to Strategy 27 of the adopted Local Plan, which enables communities to promote development in such locations through a neighbourhood plan, where they promote the objectives of sustainable development. The sites are designed to meet specific identified local needs and are not ‘Rural Exception Schemes’ as such under Strategy 35 of the Local Plan, however there are also links to this strategy in respect of the requirements for occupancy of the/any affordable housing.”

## 7. Policy HD5: Self-build (and custom build) Housing)

To modify the policy for clarity and to meet the Basic Conditions. Consideration was given to whether the maximum limit of 10 self-built dwellings that could be permitted under this policy should be removed but with further clarification from Officers at Fact Checking stage, supported by data from our latest Self Build Monitoring Report, this is supported to be retained as a requirement of the policy.

In summary, the modifications comprise:

- To move the clause relating to the issue regarding phosphates in the River Axe to the top of the list of criteria to emphasize this is an overriding requirement.
- Ensuring the Policy refers throughout the clause to 'custom built' as well as self-build.
- Minor adjustment to the definition of self-build / custom-build dwellings to shorten the clause without affecting its meaning.
- Added clarification in the wording in favour of refurbishment or conversion over demolition and new-build, to confirm the reason being, "To reduce embodied carbon".
- Notwithstanding the need to comply with the criteria relating to the phosphate issue in the River Ace catchment, to remove the absolute requirement for foul drainage to be available at the plot boundary. This modification was made to reflect new evidence provided by Kilmington Parish Council at the Fact Checking stage that foul drainage was not in fact available in large part of the village. The Examiner was asked to consider that therefore this clause was unnecessarily restrictive and could prevent otherwise acceptable development proposals, when suitable alternative arrangements could be made to deal with foul drainage.

*EDDC Officer Comment: Agree, and ask Members to particularly note the support from this Examiner for the preference for refurbishing/converting buildings rather than demolition and re-build which goes beyond policy in the adopted Local Plan in relation to climate change mitigation, and reflects early thinking in the emerging working draft Local Plan.*

#### **8. Policy HD7: Retaining Community Facilities, Amenities and Assets**

Refer to all the Community Facilities, Amenities and Assets by name.

*EDDC Officer Comment: Agree, for clarity. This reflects EDDC comments at Regulation 16 Submission stage.*

#### **9. Policy EB1: Local Employment in Agriculture and Forestry**

Modify the policy for consistency with other proposed modifications, and to meet the Basic Conditions, by:

- Replacing, "Net gains in biodiversity will be sought wherever possible", with, "the proposals demonstrate how a biodiversity net gain equal to or exceeding national policy requirements will be delivered".
- Cross-referring within the policy to Policy CGS1 which identifies the 'locally valued landscapes and views' referred to in clause ii) of this policy.

*EDDC Officer Comment: Agree, for clarity, and to have greater regard to national legislative requirements.*

## 10. Policy EB2: Local Tourism and Leisure Opportunities

Modify the policy for clarity and to reflect the policy justification, to aid its effective implementation, by:

- Clarifying that the policy relates to development proposals for “holiday accommodation and tourist attractions”, replacing the current wording of ‘tourism facilities and attractions’.
- Clarifying that consideration of ‘setting’ in assessing suitability of proposals relates to setting generally, and not solely ‘landscape setting’ as current wording states.
- To help ensure new development permitted under this policy is in the most sustainable locations, the addition of a criteria to support proposals where they “ii) are in a sustainable location with safe and good access to local facilities and amenities”.
- As in Policy EB1, to add a cross reference within the policy to Policy CGS1 which identifies the ‘locally valued landscapes and views’ referred to within this policy.

*EDDC Officer comment: Agree, for clarity. This reflects EDDC comments at Regulation 16 Submission stage.*

## 11. Policy EB3: Change of Use of Agricultural Buildings Development

Modify policy to reflect that not all conversions of agricultural buildings require planning permission and that the National Planning Policy Framework (NPPF) (2021) now requires proposals to demonstrate a biodiversity net gain.

*EDDC Officer comment: Agree. This improves clarity of the policy and furthers EDDC comments made on the Submission version of the plan and submitted to the examination.*

## 12. Policy DE1: High Quality Design

The Examiner considered representations that elements of this policy should be modified for being either overly onerous or extending outside the planning policy regime. However, it was concluded that the inclusion of the phrase "and have particular regard to the following considerations, wherever applicable and practical" made it sufficiently clear that the criteria are policy targets, rather than from absolute policy requirements. The proposed modification, for clarity and to meet the basic conditions, is therefore limited to one criteria only (xii), as follows:

To replace the current wording:

“xii) exceed requirements set out in Building Regulations standards in relation to energy efficiency of materials;”

with

“xii) as a minimum meeting and wherever possible exceeding the latest Government Standards in relation to energy efficiency of materials and thereby achieving any policy requirement to reduce CO2 emissions;”

on the basis that the Building Regulations Standards fall outside the planning policy regime.

*EDDC Officer comment: Accept recommendation on the basis the policy intent remains unchanged and the clause allows greater potential for application, linking with EDDC’s declaration of a climate emergency.*

### 13. Policy CGS2: Locally Valued Areas of Biodiversity, Geodiversity and Habitat

Modify the policy to include a reference to Figure 20 of the neighbourhood plan, which illustrates the areas referred to in the policy.

*EDDC Officer comment: Agree. This improves clarity and application of the policy.*

### 14. Policy CGS3: Local Green Space

During the course of her examination, the Examiner sought clarification regarding the consultation of the owners of the proposed Local Green Spaces (LGSs) and any representations received. It was confirmed that the owners of the following proposed LGSs had not been directly consulted (although they had been made indirectly aware of the neighbourhood plan through the robust consultation process carried out by the neighbourhood plan steering group):

- i) St Giles Churchyard
- ii) St Giles Cemetery
- iii) Village Recreation Field
- vii) New Inn Garden

As a result of the query, the Parish Council wrote to the owners. Whilst the owners of the Village Recreation Field were satisfied with the proposed designation, the owners of St Giles Churchyard and cemetery and the New Inn Garden both raised objections.

The Examiner's report explains that whilst an objection by an owner is not automatically a barrier to the designation of a LGS, it needs to be carefully considered whether or not it raises issues which are relevant in the decision making process. Having considered the NPPF requirements and the local evidence, the Examiner concluded that two of the proposed LGSs (St Giles Churchyard and St Giles Cemetery) should be removed from the policy and associated maps. Adequate protection would be given to these spaces by virtue of being within the curtilage of a Grade II\* listed building, such that a LGS designation would not provide any additional local benefit. Although the New Inn Garden also lies within the curtilage of a listed building, the circumstances in terms of the extensive community use of the space were found to warrant the additional protection of LGS designation.

In addition, with reference to the requirements of the NPPF 2021 and recent case law, which has clarified that Local Green Space polices in neighbourhood plans should not deviate from the policy requirements of the NPPF, the policy is recommended to be significantly modified to align to this, in order to meet the Basic Conditions.

The following clauses are therefore recommended to be removed from the policy wording:

*"2. These areas will be protected for their local environmental, heritage and/or recreational value and development will not normally be supported unless it is to enhance their function.*

*3. Where development is to be supported it must:*

- i. maintain or enhance the existing use and amenity and / or recreational value of the site*

- ii. *have no adverse impact on the recreational use, heritage or environmental value of the site;*
- iii. *not change the purpose for which the space is valued and the reason for designation.*

*4. Proposers of development are encouraged to engage with the local community and Parish Council at the earliest opportunity to help ensure that any proposals that will impact local greenspaces incorporate both this plan's aims and objectives and the views of the local community."*

And their collective replacement with the basic NPPF requirement, that:

*"Inappropriate development will not be supported except in very special circumstances."*

The Examiner has also asked for a larger scale map to be produced for inclusion which clearly shows the boundaries to each Local Green Space.

*EDDC Officer comment: Accept. Whilst it is somewhat disappointing to see the policy clauses reduced in this way, the modification has been carefully considered and justified by the examiner with reference to case law. It is noted by Officers that the 'very special circumstances' where development could be supported (set out in paragraphs 149 and 150 of the NPPF) are most likely broader than the original policy intent, but the NPPF is clear that these spaces should be retained for their openness and purpose for being designated. There is therefore still considered to be an additional local benefit of the LGS designation, which reflects the wishes of the community.*

#### **15. Policy CGS4: Protecting the Stream Corridor**

For clarity, in response to a representation that the policy should include more specific reference to controlling any negative impact on phosphate levels, sediment run off and flooding in relation to the stream (as part of the Axe, Yarty and Corry Catchment) area, to modify paragraph 2 of the policy from:

*"2. With the exception of householder applications, proposals for development should demonstrate that they will not contribute to deterioration of the current ecological status of the stream (as part of the Axe, Yarty and Corry Catchment) Proposals should seek to contribute to achieving "Good Ecological Status" for the water course where feasible and viable."*

to;

*"2. With the exception of householder applications, proposals for development should demonstrate that:*

- i) *They are designed to avoid any negative impact on phosphate levels, sediment run off and flooding in relation to the stream (as part of the Axe, Yarty and Corry Catchment), and*
- ii) *Seek to contribute to achieving, "Good Ecological Status" where applicable, feasible and viable, and*
- iii) *Will not contribute to deterioration of the current ecological status of the stream (as part of the Axe, Yarty and Corry Catchment)."*

*EDDC Officer comment: Agree. This improves clarity of the expectation and advice from Development Management has confirmed this aligns with the recent advice from Natural England on the phosphate issues in the River Axe catchment.*

**N.b.** No comments or modifications were made to policies HD6, HD8, HD9, TT1, TT2, TT3, TT4, EB4, EB5, DE2, CGS1 and RCL1 of the neighbourhood plan by the Examiner. Whilst EDDC made comments at Regulation 16 stage about elements of these policies, none are considered to be of such importance that the draft plan does not meet the basic conditions or Convention rights . As stated in the body of the report, it is agreed that the Plan as modified by the Examiner meets the Basic Conditions.