

Report to: Cabinet



Date of Meeting 29 March 2023

Document classification: Part A Public Document

Exemption applied: None

Review date for release N/A

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## **Broadclyst 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 Broadclyst 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 Broadclyst parish area.

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

Budget Yes  No

Policy Framework Yes  No

### **Recommendation:**

1. That Members endorse the Examiner's recommendations on the Broadclyst Neighbourhood Plan (the Plan).
2. That Members agree that a 'referendum version' of the Plan (incorporating the Examiner's modifications as set out in this report) be produced and give delegated authority to the Assistant Director Planning Strategy and Development Management in consultation with the Portfolio Holder – Strategic Planning to agree a final version once the issues highlighted in paragraphs 41 and 42 of Appendix A have been addressed and to then proceed to referendum and publish a decision notice to this effect.
3. That Members congratulate the Broadclyst Parish Council and Neighbourhood Plan Steering Group on their sustained 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.

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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](#); [Broadclyst Neighbourhood Development Plan \(Submission Version\)](#); [East Devon District Council Regulation 16 comments](#); [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

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## **Report in full**

### **The Examination**

- 1.1 The Broadclyst Neighbourhood Plan has now been examined and, subject to modifications, it has been recommended that it proceed to referendum. The Examiner, Andrew Ashcroft, was appointed by East Devon District Council, following consultation with Broadclyst 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 also made an unaccompanied visit to the neighbourhood area. 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 the deletion of one policy and textual modifications to all of the remaining 37 policies within the Plan, together with various 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, and Annex 2 shows the final suite of policies with all of the Examiner's modifications applied.
- 1.5 In the process of considering his 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 [Broadclyst neighbourhood plan webpage](#). The Examiner's reasons for all of the proposed modifications are explained in more detail in the Examiner's report.
- 1.6 Overall, the Examiner concluded in his report that he was satisfied that the Broadclyst Neighbourhood Development Plan meets all the necessary legal requirements, subject to the incorporation of the recommended modifications, and should proceed to referendum. The Examiner also commented that the Plan 'sets out a positive vision for the future of the neighbourhood area within the context of planned strategic development in the Local Plan', 'is distinctive and proportionate to the neighbourhood area' and that the, 'wider community and Broadclyst Parish Council have spent time and energy in identifying the issues and objectives that they wish to be included in their Plan' which 'sits at the heart of the localism agenda'.

### **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 otherwise compatible with, retained European Union obligations.
  - 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. Whilst not all comments made by [EDDC at Regulation 16 stage](#) have been addressed, there are not considered to be any grounds to reject the findings of the report with reference to the 'Basic Conditions'.
- 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 [Broadclyst page](#) of the East Devon District Council website, together with the Decision Notice. As well as implementing the Examiner's recommended changes, consequential amendments and typographical corrections, East Devon District Council Officers will work with Broadclyst Neighbourhood Plan Steering Group to help ensure the accessibility of the plan document. The latter 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 Broadclyst 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.

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## **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:**

As the report identifies, it is a formal requirement for the Cabinet 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 endorse the Examiners recommendation in accordance with Recommendation 1, then the Local Planning Authority is obliged to publish a notice to this effect, pursuant to the applicable Regulations, and to proceed to a referendum in accordance with Recommendation 2. At this stage there are no other legal observations arising.

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

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

The Examiner identifies this as an important policy in the plan as it identifies a site, on the outskirts of Broadclyst Village, for a new community sports hub. Modifications are proposed to all 3 parts of the policy for clarity and to ensure it covers planning policy matters only:

- In part 1, to clarify that the full package of measures listed will need to be included in any proposals, by replacing 'include the following' with 'include **all of** the following';
- In part 2, to rephrase and renumber the criteria (as show in full in Annex 2). No criteria are proposed for deletion, but rather the wording is simplified, and related criteria on car park specification grouped together.
- Part 3 of the policy, which attempted to make provision for the scheme to come forward on a suitable reserve site if proposals on the allocated site do not materialise within a specified time, is proposed to be deleted. Instead, it is suggested this is noted within the Policy Justification as follows, "*The development of the overall package is not without a series of challenges. They will be carefully managed by the Parish Council. If proposals for the site identified in Policy CF1 do not materialise within three years of the granting of planning permission for the proposal the Parish Council will work with the relevant organisations to identify and promote a suitable reserve site. The Parish Council will make a judgement about the need or otherwise for the neighbourhood plan to be reviewed at that time to take account of these circumstances.*"

*EDDC Officer Comment: Agree. This assists with clarity in implementation of the policy.*

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

To bring the clarity required by the NPPF, the proposed modifications are to rephrase and tighten the wording throughout, and link the two parts of the policy together to make the second half of the policy a series of criteria directly linked to the first part of the policy, as follows:

"Proposals for new, or enhanced or extended existing, indoor, or outdoor sport, recreation and/ or community facilities, will be supported **where they meet the following criteria**:

- the proposal and any associated ancillary facilities such as changing rooms should be of an appropriate scale and design for community use;
- the proposal is designed to minimise its environmental impacts, including, where necessary and appropriate, controlled hours of working;
- the provision of sufficient and safe parking provision on the development site to accord with Policy T3 of this Plan; and
- the access arrangements enable and encourage active travel for pedestrians and cyclists and safe vehicular access."

*EDDC Officer Comment: Accept, for clarity. Noted that in applying the modification the requirement for any proposal to 'meet a demonstrated community need' and to 'provide an overall gain of community space / use or provision is removed. However the policy intent and appropriate checks and balances identified is considered to be retained through the revised wording.*

### 3. Policy D1: High Quality Design

The Examiner notes that this is generally an 'excellent distinctive policy' and a 'good local response to the [...] NPPF'. To ensure however it can be applied in a proportionate way, it is proposed to replace the opening elements of the policy from:

'New development including conversions and extensions are to be designed to achieve high quality design should have regard to the Broadclyst Parish Design Code 2021 (Appendix 14) as well as the guidelines and principles provided by EDDC Conservation Area Appraisal and East Devon Heritage Strategy.

To achieve high quality design new development proposals in the Parish should be designed to:'

To:

'Development proposals should be designed to achieve high quality design which responds positively to the Broadclyst Parish Design Code 2021 (as set out at Appendix 14) and the guidelines and principles set out in the Conservation Area Appraisal and the East Devon Heritage Strategy.

**As appropriate to their scale, nature and location** development proposals should be designed to:'

Two minor modifications are then also made to criteria 4 regarding appropriate identified boundary treatments to make these 'supported' rather than 'encouraged', and to remove the supporting explanatory text attached to criteria 7 regarding use of climate resilient planting.

*EDDC Officer Comment: Agree, for clarity in implementation. Whilst the specific observations on criteria wording made by EDDC at Regulation 16 stage are not picked up directly in the modifications, it is considered that the policy can broadly be applied as amended. It should also be noted that as a consequence of the Examiner's proposed modification to Policy T4, the second part of criteria 10 in Policy D1 will be removed as it no longer has a point of reference. This read, 'To ensure this priority is also provided in low traffic neighbourhoods (see Policy T4)'.*

### 4. Policy DH1: Historic Character

The Examiner finds that this policy to ensure proposals do not adversely impact on the heritage assets and the historic environment of this parish is positive. A small modification is proposed to terminology to directly link back to that in national legislation and policy guidance on this topic for clarity, by replacing, 'will be expected to preserve or enhance the positive attributes of significant heritage assets' with '**should conserve** or enhance the **significance of the heritage asset concerned**'.

*EDDC Officer Comment: Agree, for clarity in implementation. Noted that these amendments respond to comments made by EDDC at Regulation 16 stage.*

### 5. Policy DH2: Development of Existing Buildings in and adjacent to the Conservation Area

Similar to Policy DH1, the Examiner finds this policy continues the approach that takes, in a positive manner, having regard to national policy. The proposed modifications are to reconfigure the structure of the first part of the policy so that its intention is clearer, from:

‘Proposals for the conversion and or extension of existing buildings within or adjacent to the Broadclyst Village Conservation Area (Figure 7) are required to ensure that design of the following:

- Boundary treatments (appropriate materials, height and scale)
- Signage
- Overhead lines
- Infill development at appropriate scale and density
- Green spaces
- Parking
- Palette of materials

will enhance the fabric and setting of heritage assets drawn from the Broadclyst Conservation Area appraisal and will support heritage led regeneration to safeguard this Area for the future.

to:

**‘As appropriate to their scale and nature**, proposals for the conversion and or extension of existing buildings within or adjacent to the Broadclyst Village Conservation Area (Figure 7) **should ensure that the design of the following features will enhance the fabric and setting of heritage assets as documented in the Broadclyst Conservation Area appraisal and will support heritage-led regeneration:**

- Boundary treatments (appropriate materials, height and scale)
- Signage
- Overhead lines
- Infill development at appropriate scale and density
- Green spaces
- Parking
- Palette of materials’

And to modify the second part of the policy to ensure the appropriate balance is struck between ensuring energy efficiency and safeguarding the overall integrity of the heritage asset, from:

‘Inclusion of appropriately scaled and sensitively selected energy efficiency measures in historic buildings will be supported.’

to:

**‘The incorporation** of appropriately-scaled and sensitively-selected energy efficiency measures in historic buildings will be supported **where any harm to the asset concerned does not unacceptably detract from the overall integrity of the asset concerned.**’

*EDDC Officer Comment: Agree for clarity and conformity with the NPPF and to ensure the appropriate planning balance is applied.*

## 6. Policy DH3: Historic Restoration

Whilst it is noted by the Examiner that this policy takes an appropriate approach to the restoration of heritage assets, the second part of the policy which identifies and explains the selection of four specific properties the community would support for restoration is considered better suited to being located outside of policy with the supporting plan text, supported by the fact there are no known no specific, costed proposals. The second part

of the policy containing this detail is therefore proposed for deletion and the following is proposed for inclusion in the policy justification:

'This policy encourages and supports restoration of historical features within the Parish, especially those that the community have identified as having local significance. They are Carrow mill on the River Clyst near Clyst Honiton, the medieval remains of the undercroft of the manor house in the Broadclyst Village churchyard wall, the Stocks in the Broadclyst Village churchyard, and Westwood Bus Stop.'

*EDDC Officer Comment: Agree. This retains the overall policy intent as well as retaining these specific desired projects within the plan text.*

## **7. Policy DC1: Energy Efficient New Buildings**

The Examiner finds that overall this policy seeks to respond positively to the agenda for energy efficient buildings. The proposed modifications are to move supporting text from within the policy wording to the policy justification by deleting part of the second part of the policy and adding it to the policy justification, as follows:

*'The second part of Policy DC1 provides support for Passivhaus construction. Where this takes place:*

- *submission of the full PassivHaus or a similar standard in terms of space heating requirements, ventilation and air changes is required to demonstrate that the specific standard can be achieved.*
- *Prior to commencement a 'pre-construction compliance check' completed by a PassivHaus or equivalent certifier will be required and secured by condition.*
- *Upon completion a Quality Approved PassivHaus or equivalent certification for each dwelling will be required.'*

Also:

- In the second part of the policy to replace 'strongly' with 'particularly', and
- In the first part of the policy to replace 'strongly supported' with 'supported' and remove the cross-reference to Policy DC2 as this relates to text deleted by the proposed modification to that policy (see below).

*EDDC Officer Comment: Agree, for clarity, brevity and accuracy.*

## **8. Policy DC2: Increasing Energy Efficiency of Existing Buildings**

Noted by the Examiner that together with DC1, the policy seeks to assist the process to adapt to and mitigate climate change. The Examiner, having carefully considered further clarification from the Parish Council on their rationale, proposed the deletion of the text relating to the energy hierarchy from within the policy wording itself and repositions this within the supporting text:

The following to be inserted at end paragraph 9 of the Policy Justification:

*'Development proposals should respond positively to the energy hierarchy as set out below:*

### *1. Minimising energy requirements*

*Implementation of the following highly energy-efficient designs to increase the building's resilience to climate change is supported unless causing unacceptable loss of aesthetic or conservation value.*

- *The use of high quality, thermally efficient building materials.*
- *Designing buildings for efficient use of water, water management and cooling.*
- *The use of high quality ventilation, such as high levels of airtightness, triple glazing,*
- *internal and external shading, mechanical ventilation heat recovery (MVHR) and passive cooling measures to allow the building to adapt to climate change, notably hotter summers, without increased energy demand for cooling, and to adapt to greater fluctuations in the weather.*
- *Improved insulation of the property as a whole such that energy use for space heating per unit of volume is reduced.*

*2. Incorporating renewable energy generation.*

*One or more of the following innovative approaches which demonstrate sustainable use of resources and produce renewable energy will be encouraged until such time as it can be required by legislation:*

- *Incorporation of on-site energy generation from renewable sources such as photo-voltaic and/or solar heating panels, solar shingles and PV slates.*
- *Installation of ground-source and/or air-source heating.*
- *Linking to local renewable energy district heating schemes as specified in Policy DC5.*
- *On site batteries.*
- *Other low or zero carbon systems.'*

And, at the end of paragraph 10 of the Policy Justification, to insert;

*'Where necessary proposals should be designed to reduce any potential impacts on the character of buildings. These measures could include analysing the proportions of the building and roof surface in order to identify the best location and sizing of panels: concealing wiring and other necessary installations; the use of other tile or slate colours for compatibility with the solar panel materials; the use of proportionate contrast and boldness (for example, the use of black solar panels with black mounting systems and frames instead of blue panels) and positioning solar panels at ground level or on outbuildings including garages.'*

In order to reflect this change and to clarify that the application of the policy to all proposals requiring planning permission, to recast the remaining text of the policy from:

*'To adapt to and mitigate climate change, the refurbishment and extension of existing residential properties and commercial buildings is to be designed to maximise its contribution to the energy efficiency of buildings and use of renewable energy sources.*

*Proposals are supported which contribute to energy efficiency and integrate renewable and low carbon heat and electricity production in accordance with the following energy hierarchy:'*

to:

**'Insofar as planning permission is required, proposals for the refurbishment and extension of existing residential properties and commercial buildings should be designed to maximise their contribution to the energy efficiency of buildings and use of renewable energy sources.**

Proposals which would contribute to energy efficiency and integrate renewable and low carbon heat and electricity production will be **particularly supported.**'

*EDDC Officer Comment: Agree, for clarity in implementation, whilst retaining the policy intent and full detail within the supporting Plan text.*

### 9. Policy DC3: Sustainable Drainage

It is considered by the Examiner that the policy takes an appropriately positive, responsible and local approach to this matter. Modifications are however proposed to all four parts of the policy to ensure it can be applied proportionately and taking account of when planning permission is or isn't required and the practicality and viability of any sustainable drainage measures:

- In the first part of the policy, to replace 'All' with, 'As appropriate to their scale nature and location', and 'are required to' with 'should'.
- Delete the second part of the policy regarding possible SuDS measures and relocate this in full, as follows, to the Policy Justification, "*Use of DCC natural flood management and artificial drainage systems (SuDS) and water recycling features including those listed below are supported and encouraged.*"
  - *Permeable paving, driveways and parking areas.*
  - *Water harvesting and water storage features.*
  - *Green roofs.*
  - *Swales (natural or man-made ditches usually grass covered with sloping sides.)*
  - *Soakaways.*
  - *Retention ponds.*
  - *Filter strips; and/or detention basins.*
  - *Minimise amount of green space lost to hard surfacing"*
- In the third part of the policy, "SuDS measures should not only deliver effective water attenuation, but should also be designed to enhance the local environment and seek to provide additional benefits including:" replace 'seek to' with 'as appropriate to their scale and nature' and delete 'should' to 'but'.
- Replace the fourth part of the policy, "*Proposals to retrofit, convert or extend existing properties will be required to comply with the above where appropriate.*" with, "**Insofar as planning permission is required, proposals to retrofit, convert or extend existing properties should comply with the approach in this policy where it is both practicable and commercially-viable to do so**'.

*EDDC Officer Comment: Agree, for clarity in implementation, whilst retaining the policy intent and the full detail within the supporting Plan text. Noted the amendment to the first part of the policy addresses an issue raised by EDDC at Regulation 16 stage.*

## 10. Policy DC4: Residential Storage

Having considered further clarification sought from Broadclyst Parish Council in the examination process, it is proposed to modify/simplify the policy by some of the detail from within the policy wording to the Policy Justification (at end of paragraph 4), as follows:

*'Storage facilities may be combined. Garages acceptable for parking and storage should have a minimum internal dimension of 3m x 6m per vehicle. Cycle storage should be provided for a minimum of two cycles per dwelling.'*

And deleting of the detail contained in the final part of the policy altogether. For reference, this read, "*Storage design to include features such as:*

- 1. Storage spaces which are readily accessible at ground level.*
- 2. Spaces which are fit for purpose and enable easy retrieval and manoeuvring.*
- 3. The use of a materials/palette complementary to the setting.*
- 4. Storage construction as part of the property boundary.*
- 5. The incorporation of green features such as a green roof, a planting structure and water storage/ harvesting.*
- 6. Provision of charging point as specified in Policy T3."*

Several further minor amends proposed to remaining policy wording for general flow/readability and to replace that the residential developments 'be required to' provide what the policy seeks with 'should'.

*EDDC Officer comment: Accept, for clarity and brevity, notwithstanding that the modifications go further than comments by EDDC at Regulation 16 Submission stage, the policy intent is retained and the use of 'should' rather than 'must' or a 'requirement' is in line with general practice on planning policy wording to aid appropriate application.*

## 11. Policy DC5: District Heating Systems

The Examiner notes that this policy sets out a 'positive context for the promotion of District heating schemes' (DHS). Whilst noting the laudable intentions, the Examiner proposes removal in full of the second part of the policy wording relating to transfer of energy from commercial buildings to DHS, but proposes this to be moved to the supporting text as it is beyond the scope of land use planning. For reference, this states, "*Proposals from industry and businesses utilising large buildings to connect their excess energy generated by their facilities to district heating networks will also be strongly supported. Such energy recovery is supported by the DCC Waste Plan.*"

The Examiner also proposes detailed modifications to the remaining policy wording for greater clarity:

- To replace the first part of the policy, "*Across the neighbourhood plan area, including but not limited to the LDO District Heating Area (Figure 27) proposals for new development being served by heating schemes that meets the specification of a heating provision that produces less than 150kg of CO2 per kWh of heat will be supported. This specification could be provided by a Local District Heating Scheme and /or by alternative low- carbon schemes.*" with, "*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 CO2 per kWh from heating systems will be supported.”

- To replace the third part of the policy, “*New district heating scheme proposals would have to ensure that they do not have an unacceptable impact on: the local character and setting; amenities of local residents and natural environment and its biodiversity.*” with, “**Development proposals for such schemes should be designed** to ensure that they do not have an unacceptable impact on the **character and setting of the immediate locality**; the amenities of **residents and the character of the natural environment** and its biodiversity.”

*EDDC Officer comment: Agree. This improves clarity of the policy and the amendments to the first part of the policy align with EDDC comments at Regulation 16 stage.*

## 12. Policy DC6: Community Led Renewable Energy Production

The Examiner proposes modifications to the policy to remove detail from the policy (and where relevant from the supporting text) to remove references to particular types of development, in part because of a reported lack of evidence. This significantly shortens the policy and focuses its support on ‘Development proposals for renewable energy schemes which are promoted in partnership between a community organisation and a developer (commercial or non-profit)’ where they meet a reduced list of 4 criteria. It is also proposed to amend the 4<sup>th</sup> and final criteria for clarity from, ‘To be specifically designed, where appropriate, to enhance water quality and aquatic life including invertebrates.’, to, ‘**The proposed development safeguards and where practicable enhances water quality and aquatic life.**’

*EDDC Officer comment: Agree – this significantly simplifies the policy and focuses on community-led renewable energy schemes more specifically, in line with the policy title.*

## 13. Policy EC1: Regeneration of Beare Farm

This is an allocation policy for commercial uses, involving conversion/re-use of listed farm house and outbuildings which the Examiner comments will assist in sustainable development aims regarding economic benefit and to diversify the local economy of this neighbourhood area. Modifications are proposed to the 3<sup>rd</sup> parts of the policy for reasons for clarity and to reposition part of the wording into supporting text, as follows:

- Replacing ‘permitted’ with ‘supported’ in the opening sentence regarding the policy position on development and conversion proposals;
- Replace the wording of the first criterion, “Conversion of listed house and outbuildings to be developed in line with policy DH3, and new development to be in line with policy DH1.” with “**The conversion of the listed house and outbuildings should be developed in accordance with the provision of Policy DH3, and any new development should be in accordance with the provisions of policy DH1;**
- Rephrase, separate out and renumber the wording of the second criterion to read:
  - “An appropriate level of parking for the uses proposed is provided on the site;
  - Sustainable modes of transport are provided for to and from the site where practicable;
  - A safe vehicular access is provided onto the B3181 which safeguards the pedestrian access to the Beare bus stop.”
- Delete the third criterion, which falls outside the scope of land use planning policy, and reposition it into the Policy Justification, as follows: ‘To ensure development does not compromise the ability of the wider agricultural landholding surrounding the site the wider land holding should ideally be farmed in line with Killerton Estate objectives or their future equivalents.’

*EDDC Officer comment: Agree this increases the clarity. In addition, note with reference to other matters commented on later in his report (see paragraph 7.157 of the Examiner report), that EDDC will ensure the Use Classes cited in the policy align to the latest Use Class Order so that the reference to use class B1 (a) becomes Use Class E(g)(i). Also, noted that a comma is needed in the text to be moved from the policy into the supporting text after 'the site' which can be actioned as minor amend for accuracy.*

#### **14. Policy EC2: Regeneration of Crannaford Site**

This policy allocated a brownfield site, currently partly used for MOT servicing and with an unimplemented consent for a gym near to the Crannaford rail crossing for commercial uses. Having visited the site and considered the concerns of Network Rail, echoed by EDDC, about the relationship with the rail crossing and the inevitable increase in traffic across it as a result, the Examiner has recommended deletion of the policy from the plan at this time due to the lack of evidence to be able to conclude otherwise in terms of rail safety considerations, and the approach taken in the policy to leave this matter to the prospective developer to address via a transport assessment. This was not considered to be sufficiently robust or to bring the clarity required for effective implementation.

In making his comments, the Examiner acknowledged this would be a disappointing outcome for the Parish Council, but suggested that proposals could be considered on a case by case basis and the matter could be revisited in any future review of the Plan.

*EDDC Officer comment: Agree with the Examiner's assessment of the situation and recommendation to delete this policy in the circumstances, which responds to comments made at and prior to Regulation 16 stage by EDDC.*

#### **15. Policy EC3: Regeneration of Winter Gardens Site**

This is a further policy for regeneration and development of a site for commercial uses which the Examiner felt able to support. The proposed modifications are to reorder the policy clauses and to rephrase the various criteria, but without removing any, in sum to bring greater clarity to the wording. The reworded criteria to read as follows:

- *the redevelopment does not have an unacceptable impact on the character of the immediate area;*
- *the proposal would not unacceptably harm the amenity of neighbouring businesses and residents;*
- *the volume of traffic generated by proposals can be satisfactorily accommodated on the local highway network;*
- *sufficient parking is provided within the site;*
- *safe vehicular access can be provided; and*
- *appropriate landscaping is provided along the boundaries of the site.*

*EDDC Officer comment: Agree, for clarity. In addition, the same applies as noted at Policy EC1 above with updating the reference in the use classes in the policy so that reference to use class B1 (a) becomes Use Class E(g)(i).*

## 16. Policy EW1: Development of Work Hubs

For reasons of clarity the Examiner proposes modifications to the 4<sup>th</sup> and final part of the policy as follows, from:

“Development proposals within the wider rural area will need to demonstrate that such development does not significantly impact on the landscape and heritage character and that design features ensure that the sites do not adversely impact the immediate neighbours and the wider setting.

Development would not be allowed in the CVRP, unless it conforms with Local Plan policy relating to development in the designated area.”

to:

“Development proposals within the wider rural area **should not unacceptably** impact on the landscape and heritage character **of the neighbourhood area. In addition, their detailed design should ensure that they do not unacceptably impact on neighbouring residential properties.**’

‘Development proposals **for tourism** in the **CVRP will not be supported other than where they positively contribute towards achieving the objectives of the Park.**’

*EDDC Officer comment: Agree this improves clarity and the amendment to the Clyst Valley Regional Park (CVRP) clause as amended here and elsewhere is acceptable and aligns to the adopted and emerging Local Plan policy.*

## 17. Policy ET1: Development of Tourism

The Examiner found that although the policy as submitted took a positive approach, it was also restrictive and potentially exclusive in listing specific tourism activities that could be supported. Instead, the examiner proposes moving this into the Policy Justification, as set out below, and clarifying in the policy wording that support is given for ‘sustainable tourism’ proposals:

*‘The Parish Council considers that tourism sits well with the Plan’s wider approach to sustainability, and that the tourism provision in the parish could usefully be extended to include a climate change focus. This would enable the development of tourism to be in keeping with the Parish landscape and heritage settings. The Parish Council would particularly support tourism proposals relating to woodland, flora and fauna habitats, rural crafts (including traditional rural crafts.), climate change and heritage (natural and built landscapes). For clarity sustainable tourism proposals are those which contribute to the conservation and enhancement of the natural environment whilst providing for the needs of users and bringing benefits to the local economy and avoid unacceptable impacts on the local environment.’*

The Examiner has also proposed modifications to the policy criteria, reducing these in number and length (to read as shown in Annex 2), and proposed the same amendment to the CVRP policy clause as shown in the policy listed above.

*EDDC Officer comment: Overall agree the changes, which bring greater clarity and flexibility to the policy, which respond in part to comments made by EDDC at Regulation 16 stage. In applying the Examiner’s changes and creating the referendum version, suggest the definition of sustainable tourism added to the supporting text by the Examiner is also*

*included in the Plan glossary. These can be agreed as minor amends between EDDC and BPC. Finally, to be aware that the Examiner has amended the original broader policy criteria on access and traffic ('Design ensures that traffic, access and highway matters are satisfactorily addressed') to a more specific criteria focused on roads and parking ('the proposal can be safely accommodated in the local highway network and provide appropriate levels of car parking'), which is slightly at odds perhaps with the clarity of focus on 'sustainable' tourism, but it is noted that other policies in this plan will support more sustainable transport aims so it is considered the modification can be accepted on that basis.*

## **18. Policy ET2: Holiday Accommodation**

The Examiner has proposed modifications to ensure the policy is simpler and less prescriptive, and better reflects the evidence. The changes include:

- Amending 'in proximity' of existing buildings and settlements, to 'in **close** proximity' in the 1<sup>st</sup> criteria;
- Adding consideration of 'height' to the second criteria, alongside 'scale', and as a consequence removing the 3<sup>rd</sup> criteria restricting the number of storeys allowed;
- In the 4<sup>th</sup> bullet shortened this to 'for holiday purpose only' and removing, 'and not be used for residential purposes or second home ownership';
- Replacing should not 'significantly' impact landscape in the 5<sup>th</sup> criteria with should not 'unacceptably' do so;
- Making the equivalent amend as stated above (and elsewhere) to the clause relating to development in the CVRP.

*EDDC Officer comment: Agree, for greater clarity.*

## **19. Policy ET3: Camping Sites**

Several modifications are proposed to the policy for greater clarity and control, as far as the Examiner felt able. These include:

- Replacing the opening line of the policy to read, 'Development proposals **should respond positively to** the following criteria:' instead of 'Development will be subject to the following';
- Replacing the 1<sup>st</sup> and 5<sup>th</sup> criteria regarding landscaping and heritage impact with a new 1<sup>st</sup> criteria to in part address concerns raised by EDDC about restricting scale as follows: 'Sites should demonstrate the way in which their scale and layout can be satisfactorily accommodated in the local landscape and how any landscaping and screening measures would mitigate any identified impact on the character of the landscape.';
- Replacing 'must' with 'should' in the 3<sup>rd</sup> and 4<sup>th</sup> criteria;
- Reworking the 6<sup>th</sup> criteria regarding impact on neighbours and wider setting, to read, 'The detailed design of proposals should ensure that they do not unacceptably impact on neighbouring residential properties.';
- Making the equivalent amend as stated above (and elsewhere) to the clause relating to development in the CVRP.

*EDDC Officer comment: Agree/accept. Note the specific reference to heritage character is removed as a result of the modifications, but that this aspects is covered through other policies in the plan, as well as through national legislation and planning policy so it is considered acceptable for it not to remain specified in this policy. Also to note the Examiner*

*advises that in response to EDDC request for scale to be defined this would be difficult to achieve in absolute terms and the application of the revised criteria is the preferred approach. Officers consider this is acceptable in this instance. Finally, the replacement within policy clauses of 'must' (or 'required to') with 'should', both here and elsewhere by the Examiner, differs from EDDC officers opinion where the preference would generally be for stronger wording to enable particular aspects to be insisted upon. However, as this is largely a matter of preference, it is reluctantly proposed to be accepted.*

## **20. Housing Policies: General**

To reflect the adoption of the Cranbrook Plan DPD since the Broadclyst Neighbourhood Development Plan was submitted for examination, the Examiner recommends adding to a new paragraph to under the Policy Context for Housing section to add to the existing commentary about the Cranbrook plan to say:

*'The Cranbrook Plan Development Plan Document was adopted in October 2022. Policy CB8 of that Plan includes a built-up area boundary for Broadclyst Station. That built up area boundary is shown in Figure [insert number - tbc].'*

And, to insert the figure referred to above within the Plan to show the Broadclyst Station built up area boundary, in addition to that which is already included for the pre-existing Broadclyst Village built up area boundary.

*EDDC Officer comment: Agree, this reflects the latest development plan for east Devon as it now stands and will bring further clarity and relevance to implementation of this Plan.*

## **21. Policy H1: Blackhorse Gardens Site**

Overall, the Examiner has made general comments to explain that he is satisfied with the evidence and approach taken to the selection of sites for housing allocations in the plan.

On Policy H1, which is for up to 4 units (2 live-work units and 2 houses), the Examiner states that he considers this allocation for a very specific development to address identified local needs to be 'an excellent example of a neighbourhood plan policy'.

Recommendations are made for modifications to being greater clarity / simplicity and/or to avoid being overly prescriptive at the allocation stage, as follows:

- Removal of reference to the definition of live work units from the policy and in full into the Policy Justification to read, *'A live work unit is defined as the provision of a room with an external door (on either floor) that is designated as an office /workspace for those residing therein and is to be in addition to the specified number of bedrooms and bathrooms, any other living rooms including a utility room and, in addition to a garage if included.'*
- Replacement of criteria 1 from *'Mitigation features for residential dwellings falling within the Airport Noise Contour 57-60 dB are to be met in full'* to more simply state, *'Development proposals should incorporate mitigation features for aircraft related noise'*.
- Replacement of criteria 3 which prescribed specific elements for a Transport Statement to take into account, including regarding the Clyst Valley Trail, to more simply say. *'The provision of safe vehicular, pedestrian and cycle access.'*

*EDDC Officer comment: Accept. The policy intent is largely retained. With reference to EDDC comments submitted to the Examination, Officers find it regrettable that the policy wording is now more vague in the requirement regarding the key issue of requiring*

development proposals in this location to incorporate mitigation measures to ensure that residents amenities are not significantly adversely affected by aircraft related noise, and also to specifically address *the relationship with the adjacent Clyst Valley trail*. However, *with the references retained to these aspects in broad terms at least within the criteria, and with the application of relevant strategic policies in the Local Plan (particularly Strategy 10 and 17), this gives the basis to ensure that they will be considered fully within the development planning and management process for any proposals that come forward*

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

This allocation is for 24 dwellings, to include 12 affordable, 5 self-build plots and 7 open market houses, a children's play area (LEAP), land for the Cranbrook to Exeter cycle route and landscaping.

Taking into account a joint representation by Hallam Land Management and Taylor Wimpey, the Examiner has deleted reference in the policy to a connection between this site and the Cranbrook Bluehayes expansion area and added a criteria to ensure appropriate access is required to read, 'The provision of an appropriate access into the site.'

The reference to viability in the policy ('*Provision of a LEAP and land for the Cranbrook to Exeter cycle route are to be taken into consideration in site viability.*') is proposed to also be deleted. Instead part of the Policy Justification is proposed to be replaced with, '*The development of the site has been tested for viability purposes. The requirements in the policy for the site to make provision for a LEAP and land for the Cranbrook to Exeter cycle route have been taken into consideration in the balance. In these circumstances the traditional expectation for a contribution towards the delivery of community facilities will not apply to the development of the site.*'

In addition, a redrafting of criteria 2 is proposed from, 'A comprehensive scheme for some of the residential development to follow the existing linear development pattern to be included.', to, '**The development of a comprehensive master plan including the provision of an element of residential development to follow the existing linear development pattern along Station Road.**'

A minor revision by replacing 'Detailed assessment of' with 'taking account of an assessment' is also made at criteria 3 relating to floodrisk, ecological constraints and proximity to the Clyst Valley Regional park to make it clear proposals will need to respond to these matters.

*EDDC Officer comment: Agree/accept, for accuracy and clarity, and to aid implementation, in part addressing comments made by EDDC at Regulation 16 stage. Notwithstanding this, with regard to the retained requirement for a Local Equipped Area of Play (LEAP) to be provided on this site on the basis of the viability evidence provided, EDDC officers would comment that in contrast, provision of a LEAP is not a requirement we would ordinarily insist upon on a scheme of this size, but would rather usually require a financial contribution towards open space and play provision under a section 106 agreement. This was raised earlier in the plan making process and may impact meeting the community's aspirations in implementation.*

## **23. Policy H3: Broadclyst Village: Heathfield site**

This policy allocates land on the edge of Broadclyst village for up to 16 homes, which the Examiner notes is in a very sustainable location. The Examiner proposes modifications to 2 criteria for clarity:

- Criteria 4 – from: ‘As hedgerow removal will be required to facilitate pedestrian access, loss of existing boundary vegetation is to be replaced as part of a landscaping / planting scheme’, to: ‘Any unavoidable loss of existing boundary vegetation should be replaced on the site as part of a landscaping / planting scheme.’
- Criteria 7 – from: ‘For site design and layout to ensure that development will not harm the asset and setting of the Grade II Listed Heath Gardens located 90m to the northeast of the site.’, to: ‘The design and layout of the site should ensure that development will not cause unacceptable harm to Heath Gardens and its setting.’

The Examiner also proposes an additional criteria to ensure residential amenity of adjacent properties are more fully safeguarded, to read, ‘The design, layout, and levels of the scheme should not cause unacceptable harm to the amenity of the existing homes on the northern side of Sanders Close.’

*EDDC Officer comment: Agree for clarity and completeness. To note that this site is also proposed for allocation for 15 homes in the emerging Local Plan, which will be reconsidered as this neighbourhood plan progresses through the plan making process.*

## **24. Policy H4: Social and Affordable Housing**

The Examiner proposes deletion from within the policy of the wording setting out the details of the cascade system for allocation of affordable homes to those with a local connection. However, it is recommended to move this text in full, as follows, into the supporting text:

*‘In this policy, local connection in relation to the social and affordable housing is set out in priority order below:*

1. Local connection in relation to the Parish (set out in priority order):
  - a) persons who have been permanently resident therein for a continuous period of three years out of the five years immediately prior to the affordable dwelling being offered to them;*
  - b) being formerly permanently resident therein for a continuous period of five years at some time in the past;*
  - c) having his or her place of permanent work (normally regarded as 16 hours or more a week and not including seasonal employment) therein for a continuous period of at least twelve (12) months immediately prior to being offered the affordable dwelling.*

2. Local connection then extends to those who live within the Broadclyst Parish grouping:

*Persons who can demonstrate a close family connection to the Broadclyst parish grouping (EDLP 16.29) Clyst Honiton, Clyst Hydon, Clyst St Lawrence, Rockbeare and Poltimore) in that the person’s mother, father, son, daughter or sibling has been permanently resident therein for a continuous period of five years immediately prior to the affordable dwelling being offered to them.*

3. Finally, local connection extends to those connected to the District:

*Persons who can demonstrate a close family connection to the District in that the person’s mother, father, son, daughter or sibling has been permanently*

*resident therein for a continuous period of five years immediately prior to the affordable dwelling being offered to them.'*

It is also proposed to revise the opening sentence of the policy from, 'Proposals for new dwellings on allocated sites in the Neighbourhood Plan will be required to' to, 'Proposals for the development of allocated sites H1 (Blackhorse), H2 (Broadclyst Station) and H3 (Broadclyst) in this Plan should'.

*EDDC Officer comment: Accept. Noted that it is regrettable however that the Examiner has not amended the affordable housing tenure split required in this policy (i.e. 50% rent: 50% home ownership) further to our comments at Regulation 16 stage that the evidence suggested this should be at least the 70:30 split we require in the Local Plan. However, the Examiner's report suggests this was matter was considered and EDDC officers suggest this is reluctantly accepted in this instance given that the overall level of affordable housing required (50%) is deemed acceptable at these allocations. Also, to note that the district wide cascade for affordable housing allocation is specified in full in adopted Local Plan policy (S35) and the local connection cascade that was in this policy (and is now proposed to be included in supporting text) broadly repeats this and adds a step re. parish grouping to the cascade. The intention would be that this be implemented via s106 agreements and the Devon Home Choice system when allocating new affordable homes in the parish.*

## **25. Policy H5: New Housing in Broadclyst Parish**

The Examiner recognised that this policy was an attempt to provide a local iteration of Local Plan policy s35 on exception sites. However he found the policy requirements rather blunt and inflexible and suggested it would create a disproportionate responsibility for smaller proposals. The proposed modification is to replace the policy wording from:

'New housing development within the Parish which are in line with relevant EDLP policies must meet the following:

An up-to-date Housing Needs Assessment is to be submitted with each development proposal for up to or around 15. The housing provision (including housing details on: number, size, tenure, affordability and open market housing) needs to provide the demonstrated need identified in the submitted up-to-date Housing Needs Assessment.

Development proposals will not be allowed in the CVRP, unless it conforms with Local Plan Policy relating to development in the designated area.'

To:

**'Exception site mixed affordable and open market housing schemes outside the built-up area boundaries in Broadclyst Parish will be assessed against the provisions of Policy Strategy 35 of the East Devon Local Plan.**

**Development proposals should include a proportionate and up-to-date housing needs assessment and demonstrate the way in which the proposed housing meets local needs in terms of number of dwellings, and their size and tenure.**

**Development proposals for housing in the CVRP will not be supported other than where they positively contribute towards achieving the objectives of the Park.'**

*EDDC Officer comment: Agree/accept. Noted this modification makes reference to development outside the built up area boundaries which reflects the newly created BUAB at Broadclyst Station under the Cranbrook DPD and may in the future encompass a built up area boundary (settlement boundary) at Westclyst which is currently proposed in the emerging Local Plan. Noted the amendment to the CVRP clause is consistent with that used in numerous policy modifications and aligns well to the strategic policy in the adopted and emerging local plans, and EDDC's comments at Regulation 16 stage are addressed.*

## **26. Policy H6: Self – build**

This policy supports limited self/custom-build dwellings at both larger and smaller communities in the parish. The policy wording is proposed to be significantly reduced/revised, in large part in line with modifications made elsewhere.

Similar to modifications to Policy H5, the examiner proposes replacing reference to the built up area of Broadclyst Village with built up area boundaries in Broadclyst Parish', and supporting single self-build/custom dwellings within or immediately adjacent to those.

The introductory sentence referring to the legislation defining self-build is proposed to be deleted as is the definition and reference to infill plots as the required locations for this type of development, and the limit of supporting 3 infill plots, in the smaller communities (Blackhorse, Titebarn and Westclyst). Instead the policy is reworded to support proposals for self-build/custom-build dwellings that are **within or immediately adjacent to** these 'established communities'. The Examiner also proposes moving the references to infill plots and numbers of dwellings to the Policy Justification, to read as follows:

*'The first and second parts of the policy refers to identified settlements. They offer support for infill plots which are defined as plots in urban, village or settlement settings that take up a gap in the street scene rather than expanding beyond the village and settlement itself, in which the new dwelling is in scale with surrounding properties and/or the settlement concerned. Based on the size of the settlements concerned the Plan anticipates that up to three such houses could be developed in each place.'*

The clause related to development in the CVRP is proposed to be amended as elsewhere across the policies.

*EDDC Officer comment: Agree/accept. In terms of the potential scale of development and the location of it at smaller communities without settlement boundaries, the apparent inconsistency with limiting the development to single dwellings in/at the larger settlements but not doing so at the smaller communities was raised with the Examiner at the 'fact checking' stage, together with the removal of the term infill from this policy whilst including a reference to it in retained wording in Policy H7. It is regrettable that no further alterations were made by the Examiner as a result who instead commented that he is satisfied that the approach taken consolidates the approach taken to the matter by the Parish Council that self-build houses should have the ability to be treated as exception sites. The wording in the policy (as recommended) reflects this approach. It is suggested that this is reluctantly accepted, not least because of the significant constraints to development at the identified locations, but that the policy is closely monitored in implementation.*

## 27. Policy H7: Development of live-work units

The policy supports live-work units in certain types of location in the parish. The Examiner finds that it takes a positive approach and that the policy will support economic diversification and general quality of life, but that an additional clause is required to ensure the environment is appropriately safeguarded as follows:

‘Development proposals within the wider rural area should not unacceptably impact on the landscape and heritage character of the parish. In addition, their detailed design should ensure that they do not unacceptably impact on the amenities of neighbouring residential properties.’

The Examiner also proposes moving the definition of live-work units in full into the definition (see also at Policy H1 above), and amending the clauses related to development in the CVRP as reported elsewhere.

*EDDC Officer comment: Accept. The modification gives a degree of improved clarity and control. However, it is notable that the comments raised by EDDC at Regulation 16 stage regarding the loose locational control in terms of sustainability and the risk of allowing residential development ‘by the back door’ have not been fully addressed. Officers note that policies do exist elsewhere in the Plan that seek to ensure development is secured in locations that offer sustainable travel and transport options, as do Local Plan policies, and therefore in combination with the use of appropriate conditions and checks and balances in the development management process, and the limited delivery generally of ‘live-work’ units, it is reluctantly suggested that this modification be accepted, and the implementation of the policy be closely monitored.*

## 28. Policy T1: New pedestrian and cycle route

The Examiner noted in his report about the importance to the local community and experienced the issues first hand in respect of the connections between Broadclyst and Broadclyst Station. In taking this into account, the Examiner has proposed modifications so the policy lends support for addressing this local issue but no longer makes a link with supporting other schemes to achieve the policy goal on the basis this could have had unintended consequences. The modification reduces the policy to read:

“Development proposals to provide safe and direct access for pedestrians and cyclists between Broadclyst Village and Broadclyst Station will be supported.”

As part of the modification, the Examiner proposes removing the specific details of routes/approaches that would be supported from within the policy into the Policy Justification, in the absence of any certainty regarding their deliverability. The text recommended to be added to the Policy Justification states: ‘*Ideally any such proposals should assist both residents of Broadclyst Station travelling northwards to/from locations such as Clyst Vale Community College, Broadclyst Primary school, Killerton House, Ashclyst Forest and also residents of Broadclyst Village travelling southwards to/from locations such as Cranbrook Town Centre, Cranbrook Train station, primary schools in Cranbrook and Cranbrook Education Campus.*’

The remainder of the policy clauses are proposed for deletion. For reference, these read:

“*There is also support for parts of the existing vehicular road to be adapted for safer pedestrian and cycle use.*”

*The provision of a new bridge in Policy T2 needs to be considered alongside proposals associated with this policy to determine the best location and routing of this shared path.”*

*EDDC Officer comment: Agree. Whilst the policy is significantly shortened as a result of these proposed modifications but it is considered that the policy intent is retained and the detail is largely in supporting text.*

## **29. Policy T2: Pedestrian and Cycle Bridge over the Waterloo Railway line**

Similar to above, the Examiner notes this an aspirational policy reflecting the community's view about an important local issue regarding accessibility in the parish. The examiner has taken the same approach as set out here and recommends recasting the policy to specifically support and set requirements for proposals for the desired bridge crossing and remove the link to supporting proposals that may contribute to this, particularly in view of the absence of any costed proposals for a bridge scheme.

To this end the first part of the policy is proposed to alter from, 'Development proposals which include or contribute towards the provision of a bridge over the Waterloo - Exeter Railway line (Figure 54) for cyclists and pedestrians to enable people to safely access Broadclyst Station, Cranbrook, Cranbrook railway station from the north and centre of the Parish.', to, 'Development proposals for the provision of a bridge over the Waterloo - Exeter Railway line for cyclists and pedestrians will be supported.'

A series of amendments to the wording of the list of criteria a proposal for the bridge should consider are proposed, none of which affect what they cover or their intent, and in addition, the Examiner proposes a new item to convey the importance of providing good accessibility to the north of the railway line, to read, 'the overall proposal should deliver safe pedestrian and cycle access routes to the bridge from Broadclyst village;'. These criteria are also proposed to be recast from matters that are to be considered to matters which any proposal 'should respond positively to'.

*EDDC Officer comment: Agree. This retains the policy whilst recasting it in a more appropriate way, less likely to have unintended consequences in implementation, and responds to comments made by EDDC at Regulation 16 stage.*

## **30. Policy T3: Parking Provision**

The Examiner proposes a series of modifications to all parts of the policy that are intended to maintain and further its intent, but bringing greater clarity and simplicity to the wording. This includes referring to proposals being 'in accordance with the parking standards in the Development Plan' rather than with 'EDLP parking standards'. The Examiner proposes removing part 2 of the submitted policy on residential parking which required, 'All new residential developments in which parking is provided must provide appropriately located charging points for electric or low emission vehicles.', and instead relying on an amended part 1 which lists criteria for on-site parking provision, including for supporting sustainable modes of transport, for all development proposals. In terms of provision of electric charging point provision in non-residential development, the Examiner has strengthened the wording of clauses in respect of viability, by adding the phrase, 'in which case the highest percentage of provision which is viable should be applied'.

Overall, with all modifications applied, the policy intent and what it covers is closely aligned to the policy as submitted. Annex 2 shows the clauses as amended.

*EDDC Officer comment: Agree, noting the amendments address the comments made at Regulation 16 stage by EDDC, and will generally aid policy implementation. Noted that the broader reference to development plan parking standards will allow flexibility for the adopted and in due course emerging Local Plan parking policies to apply, as well as the newly adopted Cranbrook DPD parking standards (as applicable).*

### **31. Policy T4: Active travel infrastructure (for commuting and leisure)**

The Examiner proposes modifications that significantly shortened the policy by seeking to simplify the wording and removing aspirations from it that are not strictly related to land use policy matters. The effect of this modification is to retain only a slightly modified version of the 1<sup>st</sup> two sentences of the policy as submitted. The remainder of the policy, including on support for low traffic neighbourhoods, whilst laudable in itself, is proposed for deletion along with associated text in the Policy Justification.

The Examiner however proposes that the deleted text from the policy regarding multi-use trails be retained and added to the Policy Justification. This reads as follows:

#### 'Multi use trails

*Support will be given to proposals for the following multi-[use] trail routes across the Parish which provide safe access:*

- *Onto the Clyst Valley Trail throughout the Parish.*
- *From Westclyst to Broadclyst Village.*
- *From Blackhorse via Mosshayne to Westclyst and beyond.*
- *Trails providing off road access to the Killerton Estate sites of Elbury Farm and Silverton Mill.*
- *A Trail network which links the Killerton Estate sites of Elbury, Silverton Mill, Ashclyst and Killerton House.*
- *A trail to provide a quiet route from Crannaford to Ashclyst.'*

*EDDC Officer comment: Agree. This focuses the policy more strictly as a land use policy and similar to the Examiner's observation, the other matters to further active travel in the parish can still be pursued through other means.*

### **32. Policy T5: Low Carbon Travel Provision**

The Examiner is supportive of this policy and notes support of the County Council. However, the Examiner proposes the second part of the policy is moved from the policy wording into the Policy Justification. This reads as follows:

*'Policy T5 sets out a broader context for low carbon travel. These include the provision low carbon methods of travel rental and or pool vehicle enterprises and associated operational infrastructure and the delivery of secure locations for combined parking and charging of low carbon travel options.'*

Minor wording amends are proposed to the first part of the policy for clarity.

*EDDC Officer comment: Agree / accept for clarity.*

### **33. Policy NE1: Protecting Woodland**

The only modification proposed here by the Examiner is to re-order the 3 parts of the policy so that the clauses follow on from each other in a more logical way, as now appears in Annex 2.

*EDDC Officer comment: Agree, for greater clarity in implementation.*

### **34. Policy NE2: Green Corridors**

The Examiner finds that the neighbourhood plan presents a 'compelling case' for the designation of the 2 identified 'green corridors'. Related to this, the Examiner deletes unnecessary explanatory text on this matter from within the policy wording which stated that the proposed green corridors, 'have been demonstrated to be of significant value to the local community within an urban area are allocated'.

Most significantly, the Examiner proposes replacing the first part of the policy which reads as follows:

'Development proposals that would result in the damage, or deterioration of the green corridors across the Parish which provide:

- Breaks in built up areas,
- Areas for recreation,
- Areas of enhanced landscape,
- Routes for wildlife dispersal and migration

are to provide appropriate ecological and landscaping mitigation in the form of new or enhanced corridors, but are also to ensure a net gain is sought in line with the Government's 25 Year Environmental Plan.'

with:

'Development proposals **should respond positively to the green corridors across the neighbourhood area. Where** appropriate ecological and landscaping migration **measures should be incorporated to safeguard the green corridor concerned**'.

Similar to elsewhere, the Examiner also recommends amendments to language used in the policy replacing 'permitted' with 'supported', 'significant' with 'unacceptable', and also 'allocated' with 'designated'.

*EDDC Officer comment: Agree this increases the clarity of the policy and, in conjunction with the amendments to the policies below on tree replacement and hedgerows, helps to address concerns raised by EDDC at Regulation 16 stage that the starting point should be protection and retention of these areas.*

### **35. Policy NE3: Tree Replacement**

In appraising this policy, the Examiner sought following further clarification sought from the Parish Council, and EDDC's offered informal comment on best practice from our Landscape Officer and Arboriculturalist. Extensive modifications are proposed to the policy to ensure that the starting point is one of tree retention, but also that the policy can be

applied in a proportionate way. The effect of this is to replace the submitted policy in full with the following wording:

**‘Development proposals should be designed in a way which would safeguard trees which have ecological or amenity value or which contribute positively to local landscape character and incorporate them sensitively within their layouts.**

**Where the loss of trees which have ecological or amenity value is unavoidable development proposals should incorporate a tree replacement scheme.’**

The details of the requirements of any tree replacement scheme which were within the policy wording at Submission stage are retained in full but moved to the supporting text.

This is to read as follows:

*‘The second part of the policy comments about circumstances where the loss of trees is unavoidable. In these circumstances the required tree replacement scheme should be based on the three following principles:*

- 1. An obligation to replace trees according to the Devon 3/2/1/ formula: at least 3 new trees for loss of a large tree, 2 for a medium tree and 1 for a small tree utilising the TDAG tree size specification.*
- 2. Planting: in those instances where the replacement trees will not be planted on the same site as the trees removed, the trees are to be planted for both biodiversity value and community benefits, such as:*
  - For the regeneration and extension of orchards, in particular cider orchards lost post 1945.*
  - For the creation and enhancement of green corridors.*
  - For the creation of noise buffers.*
  - For the creation and enhancement of shelter belts.*
  - For the creation and enhancement of wildlife corridors.*
  - In or for the creation and enhancement of community woodlands and orchards,*
  - Along streets and in car parks to create and enhance streetscape, and*
  - Beside rivers to create and or enhance natural flood management.*
- 3. To include details on:*
  - The locally characteristic species of replacement tree to be planted with suitable species, generally of similar expected mature size to those to be removed, and*
  - an ongoing care and maintenance regime which includes details of responsibility.’*

The remaining wording regarding veteran and ancient trees is removed as a consequence of the modification.

*EDDC Officer comment: Agree, and welcome the amends which address comments made by EDDC at Regulation 16 stage regarding avoiding loss of trees being the starting point, and the removal of text that duplicates/could conflict with national policy that will apply in any case.*

### **36. Policy NE4: The protection and enhancement of hedgerows**

The Examiner proposes removal of the first part of the policy on the basis it is a general statement and not a policy as such, but proposes this is stated in a revised form in the Policy Justification to read, 'Existing hedgerows should be protected in the first instance, enhanced wherever possible and managed in a sensitive fashion.'

The Examiner also proposes modifications to the third part of the policy so the wording is updated from:

'Where hedgerows are unavoidably adversely affected by development proposals, the impact is to be mitigated by the provision of additional appropriate planting on site.'

to read:

**'Where the removal of all or part of a hedgerow is unavoidable, the development proposal concerned should provide a proportionate level of replacement planting with native trees and hedgerow appropriate to the site.'**

*EDDC Officer comment: Whilst no comments were made by EDDC at Regulation 16 stage on this basis, it is considered the amendments are acceptable and bring clarity to the policy and retain its intent.*

### **37. Policy NE5: Landscape and Biodiversity**

The Examiner notes that the approach taken to the policy matter within the Plan is 'commendably comprehensive'. However, as submitted it expressly did not apply to residential extensions/alterations. The Examiner proposes instead inserting the phrase 'as appropriate to their scale nature and location' in the opening part of the policy to allow it be applied in a proportionate way and wherever applicable. Related to this the Examiner has removed the third paragraph of the policy as submitted that sought to define how it would apply in the more urban parts of the parish. For reference the deleted clause, read:

'Development proposals in the Parish at Westclyst and Tithebarn are to enhance the urban landscape character areas by the creation and enhancement of biodiversity, green infrastructure, or habitat creation within these sites.'

The Examiner supports the inclusion of criteria on achieving bio-diversity net gain but removes the associated refer to aloe for future changes to national policy as these will apply in any case, if applicable.

*EDDC Officer comment: Agree/accept. This is considered to will support the application of the policy and noted that this partially addresses the main comment made by EDDC at Regulation 16 stage. Regarding bio-diversity net gain, the 10% set in this policy aligns to that coming in nationally under the Environment Act and to note the 20% net gain currently proposed in our emerging local plan would apply in the future if this forms part of adopted local plan policy.*

### **38. Policy NE6: Local Green Spaces**

The policy designates 5 local green spaces which the Examiner considers are appropriated justified. Similar to other recent neighbourhood plan examinations, the proposed modification is to closely to the wording in national policy, by stating that development

proposals affecting these Local Green Spaces will only be supported 'in very special circumstances'. However, it is proposed to retain the commentary that the Parish Council had sought to include within the policy regarding what might be acceptable within the Policy Justification as follows:

*'Policy NE6 follows the matter-of-fact approach in the NPPF. If development proposals come forward on the local green spaces within the Plan period, they can be assessed on a case-by-case basis by the District Council. It will be able to make an informed judgement on the extent to which the proposal concerned demonstrates the 'very special circumstances' required by the policy. Appropriate proposals might include schemes which would enhance the accessibility, biodiversity, and community and/or educational value of these spaces.'*

The Examiner has also removed the reference in the policy to potential locations in the future where further Local Green Spaces would be supported, clarifying that this would need to be determined instead as part of the any future review of the Plan.

*EDDC Officer comment: Agree / accept as this better aligns the policy to the prescription set by national policy.*

### **39. Policy NE7: Flood Management**

The Examiner considers that the policy provides a 'comprehensive approach to flood management in the parish'. However, for simplicity, it is proposed to modify the opening sentence of the second part of the policy from:

'If a demonstrable need is identified in the future for engineered flood defence scheme along the three rivers (the Culm, Cranny and Clyst) that will significantly improve natural flood and water management, such schemes will be supported if proposals:'

to:

**'Proposals for** engineered flood defence scheme along the **Rivers Culm, Cranny and Clyst** that will significantly improve natural flood and water management will be supported **where:**

As elsewhere, the language in the policy is amended in various places to tighten up the policy, with the replacement of 'are to be accommodated' with 'will be incorporated'; 'are encouraged and supported with 'will be supported' and references to 'D1' with 'Policy D1'.

*EDDC Officer comment: Agree/accept – this brings greater clarity. Noted in making this modification and creating the Referendum Version of the Plan, 'scheme' should read 'schemes' for correct grammar.*

### **40. Appendix 1: Review of the Plan**

The Examiner comments that this section which sets out the Plan will be monitored and reviewed 'does so to good effect'. The Examiner however proposes an updated text is used at page 5 of this appendix, making explicit reference to the emerging adopted Local Plan as follows:

*The Parish Council will monitor changes in circumstances affecting the Plan in a very careful fashion. A key matter will be progress on the emerging Local Plan for East Devon. This plan will cover the period up to 2040. The Parish Council will consider the need or otherwise for any review or update of the neighbourhood plan once the emerging Local Plan has been adopted.*

It is also proposed to comment that the need for review or update to the Plan could be 'could be affected by the findings of the annual monitoring reports' rather than phrasing it than the Plan could be 'overruled within the BPC policies and annual monitoring reports'.

As part of the modification to the text, the Examiner also proposes 'Local Planning Authority' is replaced with 'District Council', and in two places the acronym 'BNP' is replaced with 'the Plan'.

Overall, it is also recommended that this appendix be included instead as a chapter in the Plan itself.

*EDDC Officer comment: Agree. Although not commenting on all instances, this modification picks up on comments made by EDDC at Regulation 16 stage that the Plan should be clearer about the status of the emerging Local Plan and the relationship with it. Also noted that 'review and monitoring' of neighbourhood plans is typically the subject of a plan chapter.*

#### **41. Plan terminology**

To avoid confusion with the meaning in policy of settlement boundaries, to use 'communities' rather than 'settlements' throughout the Plan for places in the neighbourhood area which do not have a defined built-up area boundary in the Local Plan.

*EDDC Officer comment: Agree, and this aligns to EDDC comments made on the Plan at Regulation 16 stage.*

#### **42. Changes consequential to the above modifications**

The Examiner has acknowledged that as a consequence of the modifications to and deletion of policies and to other parts of the plan text, there will be a need to make some general changes to reflect those and ensure consistency, together with work that the Examiner is aware that BPC is undertaking to correct setting and typographical (spelling and grammar) errors throughout the plan document. The examiner recommends these are undertaken by EDDC and BPC as needed in creating the Referendum Version.

*EDDC Officer comment: This work is on-going and all amends, which will be minor in nature/for accuracy, will be agreed in writing between EDDC officers and BPC, as is permitted under the Neighbourhood Planning Regulations (as amended) and kept on record as a log.*

#### **43. Other matters**

Finally, the Examiner also refers to various general comments that EDDC made at Regulation 16 stage that are beyond the scope of the examination to recommend, but which the Examiner notes would improve the plan, as follows:

- a. Consistent referencing throughout the Plan to the NPPF and adopted Local Plan;

- b. Correct version of the Local Plan West end to be used throughout the Plan;
- c. Consistent referencing throughout the Plan to the latest planning Use Classes;
- d. Corrections to errors throughout, including less/clear use of acronyms and abbreviations (ensuring all are in the list of abbreviations), removal of text that relates to earlier versions of the plan, and amends to ensure clarity of wording.

*EDDC Officer comment: Agree, and this aligns to EDDC comments made on the Plan at Regulation 16 stage. Considered this can be made on the same basis as the consequential changes and would not include any material changes or changes to Policy wording. The final Plan will come back to EDDC again, post referendum.*