

Report to: Cabinet



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Clyst Honiton Neighbourhood Plan Examiner's Report

Report summary:

The purpose of the report is to provide feedback and set out proposed changes following the independent examination of the Clyst Honiton Neighbourhood Plan. The examination of the Plan has now concluded and the Examiner's final report has been received. The Examiner has found that, with proposed modifications, the Plan meets the necessary 'basic conditions' and recommends to the District Council that it can go forward to referendum. 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'. The report highlights some remaining policy areas where Officers consider a different view regarding the degree of general conformity with the current adopted Local Plan and to some extent also with national policy, could be argued. However, on balance and in all the circumstances, Officers recommend acceptance of the Examiner's recommendations in full. If the recommendation 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 Clyst Honiton neighbourhood area.

Is the proposed decision in accordance with:

Budget Yes No

Policy Framework Yes No

Recommendation:

- (1) That Cabinet agree to endorse the Examiner's recommendations on the Clyst Honiton Neighbourhood Plan (the Plan).
- (2) That Cabinet agree a 'referendum version' of the Plan be produced (incorporating the Examiner's modifications as set out in this report, together with consequential and other minor corrections for accuracy) and proceed to referendum and that a decision notice to this effect be published.
- (3) That Cabinet congratulate Clyst Honiton Parish Council and 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.

Portfolio(s) (check which apply):

- Climate Action and Emergency Response
- Coast, Country and Environment
- Council and Corporate Co-ordination
- Communications and Democracy
- Economy
- Finance and Assets
- Strategic Planning
- Sustainable Homes and Communities
- Culture, Leisure, Sport and Tourism

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. However, if the Neighbourhood Plan is not recommended for referendum, there is a risk that the community will feel disenfranchised.

Links to background information [The Localism Act](#); [Plain English Guide to the Localism Act](#); [National Planning Policy Framework \(2023\)](#); [Neighbourhood Planning Regulations](#); [Neighbourhood Planning Roadmap Guide](#); [East Devon Neighbourhood Planning webpages](#); [East Devon Neighbourhood Planning Protocol](#); [Clyst Honiton Neighbourhood Development Plan \(Submission Version\)](#); [Examiner's Questions](#); [EDDC Response](#); [Parish Council Response 1](#), [Parish Council Response 2](#), [Examiner's Final Report](#)

Link to [Council Plan](#)

Priorities (check which apply)

- A supported and engaged community
 - Carbon neutrality and ecological recovery
 - Resilient economy that supports local business
 - Financially secure and improving quality of services
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Report in full

The Examination

- 1.1 The Clyst Honiton Neighbourhood Plan has now been examined and, subject to modifications, it has been recommended that it proceed to referendum. The Examiner, Ann Skippers, was appointed by East Devon District Council, following consultation with Clyst Honiton Parish Council. Ann Skippers is a highly experienced planning professional, having completed approximately 150 neighbourhood plan examinations, and held the presidency of the Royal Town Planning Institute in 2010.

- 1.2 The examination was undertaken on the basis of considering the written material, which forms the Plan, its appendices and accompanying documents, 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 (links above).
- 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 varying degrees, to all but one of the 24 policies within the Plan, including the deletion of one policy. There are also a number of recommended amendments to plan text and supporting figures. The modifications are for reasons of clarity/accuracy and to ensure the Plan meet the 'Basic Conditions'. These amendments are summarised and explained in Annex 1, which will form the basis of the legally required Decision Notice, and the modified policies are shown in full in Annex 2.
- 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 Clyst Honiton neighbourhood plan information on the EDDC neighbourhood planning webpages (links above). The Examiner's reasons for all of the amendments are explained in more detail in her report.
- 1.6 The Examiner acknowledged the efforts of the Clyst Honiton community on the Plan production in her report, stating that, "The Plan is the result of a long-term commitment to producing the Plan by the residents. The foreword to the Plan refers to goodwill and patience and describes the Plan as clear and confident. There is a clarity of thought in what the Plan hopes to achieve." Overall, the examiner concluded in her report that the Plan, "does meet the basic conditions and all the other requirements I am obliged to examine" and that she is therefore "pleased to recommend to East Devon District Council that, subject to the modifications proposed in this report, the Clyst Honiton Neighbourhood Development Plan can proceed to a referendum". The Examiner also concluded that the Plan Area – which unusually is less than the whole parish in order to exclude strategic developments such as the airport and Skypark – is an appropriate area for the purpose of holding the referendum.
- 1.7 By way of context, Members should note that the Plan period aligns to the adopted Local Plan (to 2031) and that the neighbourhood plan was examined for general conformity with the strategic policies of this Plan. The examiner noted the preparation of a new Local Plan (to 2040) and, in line with Government guidance, referred to this emerging Plan in her report where relevant, whilst noting there is no legal requirement to examine the Plan against emerging policy. Members should also bear in mind that in the current (and emerging) Local Plan, Clyst Honiton is a settlement which does not have a development boundary and so the whole of the Plan area is regarded as countryside for planning purposes. However, the parish includes/borders numerous strategic 'west end' sites and it is one of three parishes where land falls within the preferred area for the second new community under the emerging new Local Plan.

Response to the Examiner's Recommendations

- 1.8 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.
- 1.9 The District Council must also itself be satisfied that the Neighbourhood Plan 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)
 - is compatible with the European Convention of Human Rights (within the meaning of the Human Rights Act 1998), and;
 - 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 overall be satisfied that the Plan meets the legal requirements. However, it should be noted that in considering some of the comments made on the Plan by the Council as part of the examination, the Examiner has taken a broader view than Officers regarding interpretation of general conformity with the strategic policies of the Local Plan, in particular Strategy 7 Development in the Countryside. As a result, in Officers view, Policies E1, E2 and H1 (as modified) remain more permissive than the adopted local plan regarding development (live/work units, self-build homes, holiday accommodation, and small-scale business units) in this primarily rural area. However, on balance, given the examiner's conclusions that the Plan has overall regard to the National Planning Policy Framework (2023), the Parish Council's support for the Examiner's modifications, and the context of the advancing proposals in the new emerging Local Plan for allocation of a new community in large part in this Plan area, Officers do not consider it to be necessary or appropriate to seek to amend the plan further. In considering the decision, Members should also note that Officers also have some reservations about the modified Policy C2, which is intended to support the achievement of a new community building to serve Clyst Honiton. This long-standing ambition of the community is supported

in principle, but Officers question if the policy can be applied to help ensure that the extent of any enabling residential development proposed is limited to that strictly necessary to deliver a new community building of an appropriate size and scale to meet residents' needs. However, this proposal is no longer an allocation within the neighbourhood plan and is intended to be pursued separately through a Neighbourhood Development Order (NDO). This means that in due course it will itself be subject to its own rounds of formal consultation and independent examination and the views of the LPA will be taken into account throughout this process. Officers will also continue to offer support, advice and guidance to the community should the NDO be progressed.

- 1.11 It is therefore proposed that members 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 as set out in Annex 1 and 2, will be made available to view on the Clyst Honiton page of the East Devon District Council website, together with the Decision Notice. As well as incorporating the Examiner's recommended changes and consequential amendments, East Devon District Council Officers will work with Clyst Honiton 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. Minor corrections e.g. for typing errors will also be agreed between the parties in preparing the Referendum version.
- 1.13 The District Council will be responsible for arranging a referendum where all electors within the Clyst Honiton Neighbourhood Area will be invited to vote on whether the Neighbourhood Plan should be used to make planning decisions in the Plan Area (a large proportion of the Clyst Honiton Parish, excluding strategic development areas) as approved by this Council on 2 April 2014. 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:

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

Amendments to Policy (*bold italics indicate new/revised wording*)

(See Annex 2 for the full revised policy wording with modifications)

1. Policy C1: Community Facilities & Services

The policy identifies 4 existing named facilities that make an important contribution to the local community. To clarify the primary intent to protect them, modify the second part of the policy from:

“Proposals for the redevelopment of these existing facilities will be supported where they are replaced by equivalent or better community provision”.

to read:

“Proposals *which retain or enhance the above uses or their roles as valued community facilities* will be supported”.

Minor wording amends for clarity throughout the remainder of the policy, to read:

“The loss of all or part of **a** community use including, but not limited to those identified above, will not be supported unless:

- the proposal *is for or includes* an alternative community *use* that would provide *equivalent* or greater *community* benefits to the local community, and is no less accessible to the community and where possible, *offers* greater levels of accessibility; or
- it can be demonstrated that the community facility is no longer *economically* viable (in the case of public houses, they should provide *appropriate and proportionate* marketing information and viability studies that *satisfactorily demonstrate* that the current use or an alternative community use is not viable).”

EDDC Officer Comment: Accept, for greater clarity.

2. Policy C2: New Community Building

This policy is included in place of the allocation of a site for a mixed-use scheme including community building at Pre-Submission stage to support future submission of a proposal for this via a Neighbourhood Development Order. Modifications are made in response to matters raised at Submission by EDDC and Exeter Airport.

Revise the policy to read:

“**The** provision of a new community *building* in or near the village where it can be accessed by Clyst Honiton residents through active travel and, where appropriate, with additional provision of an outdoor community space and parking *is supported in appropriate locations*.

Residential development on the site will be supported *where this is essential to enable the delivery of the community building. The number of new homes provided must be proportionate to enable the delivery of the scheme, be at the discretion of the local planning authority and reflect and meet local housing*

needs.

Schemes will be supported through:

- 1) A Neighbourhood Development Order or
- 2) Submission of a community engagement statement detailing the preapplication engagement activity with the community and wider stakeholders.”

EDDC Officer Comment: Accept. Officers support the principle of the securing of a community space for residents and the likelihood of needing enabling development to deliver it. Giving LPA discretion regarding the number of new homes is not considered to be best practice in policy wording but it has not been objected to by the Parish Council and Officers will continue to work with them to help ensure the scale of this proposal is acceptable and appropriate to the location and local need.

3. Policy C3: Additional New Community Facilities and Services

Delete the following clauses:

- “Proposals to bring forward new community facilities at the River Clyst Park (Policy NE3) will be supported.” and
- “where there is a proven need for development to extend the existing leisure and or recreation experience for the community”.

Amend the second sentence of the policy to read:

“Proposals for new community facilities in the Neighbourhood Plan Area will be supported where:”

EDDC Officer Comment: Agree. This gives the policy a wider general application in supporting a range of new facilities and services whilst taking account of the live section 106 to deliver public access at the River Clyst Park site and the valid objections raised by the landowner to the wider public access being promoted through the draft policy.

4. Policy DS1: Development of high-quality design

Minor amends throughout the policy to:

- Strengthen the reference to the design code by amending the first clause to require proposals to ‘accord with’ it rather than simply ‘have regard to’ it.
- To better reflect national policy, to amend criterion 3 to ‘conserve or enhance’ heritage assets, rather than conserve AND enhance.
- To better future-proof the policy, to remove the reference to the 2023 version of the NPPF in this clause and simply refer to ‘national policy’.
- To delete ‘where appropriate’ in criterion 10 to ensure due regard is given to issues of airport related noise and airport safeguarding.

EDDC Officer Comment: Agree, for clarity and implementation.

5. Policy DS2: Sustainable design and construction of buildings

Similar to above modification, minor amendment to delete ‘where appropriate’ in the last paragraph, to ensure due regard is given in all proposals to mitigating noise.

EDDC Officer Comment: Agree. This directly address the concerns raised by EDDC and Exeter airport on the draft policy wording.

6. Policy DS3: Communications Infrastructure

No modifications proposed.

EDDC Officer Comment: Agree/accept. Many of our neighbourhood plans have equivalent policies.

7. Policy DS4: Sustainable Drainage

Additional wording to include:

- 'additional' before 'surface water' in the first paragraph for clarity on the requirement and to ensure it is related to the impact of the proposal.
- 'any other feature which might create standing water' as well as retention ponds in the last sentence of the policy to clarify that this will be limited in respect of airport safeguarding.

EDDC Officer Comment: Agree. These amendments directly address the concerns raised by EDDC and Exeter airport on the draft policy wording.

8. Policy DS5: Flood Risk

To add to the first part of the policy supporting new flood risk management proposals, that, "Priority will be given to natural flood management schemes which are preferred to engineered solutions."

Amend the second part of the policy from:

"Flood management and/or flood defence proposals should seek opportunities for natural biodiversity enhancement and habitat creation and mitigate against damage to the river environment."

To read:

"Flood management and/or flood defence proposals should ***avoid harm to biodiversity, mitigate any harmful impacts where this is a last resort and take every available opportunity for natural biodiversity enhancement and habitat creation. Any biodiversity enhancement and habitat creation must be made acceptable from an airport safeguarding perspective.***"

EDDC Officer Comment: Agree. These amendments directly address the concerns raised by EDDC and Exeter airport on the draft policy wording.

9. Policy DS6: Storage Spaces

Various minor modifications for clarity to wording of the second part of the policy, from:

"Design of such storage facilities are to ensure that there is:

- Minimal visual impact on the public realm,
- Minimum obstruction to pedestrians and vehicular access and,
- Minimum space for the storage of 2 bikes per dwelling.
- Minimum space to accommodate containers provided by the district council for waste and recycling."

To read:

“**Such** storage facilities **should be designed** to ensure that there is:

- **An acceptable** visual impact on the public realm,
- **No** obstruction to pedestrians and vehicular access and **movement**,
- **Space** for the storage of **a minimum of 2** bikes per dwelling, **and**
- **Sufficient** space to accommodate containers provided by the district council for waste and recycling.

EDDC Officer Comment: Agree. These amendments directly address comments made on the draft wording by EDDC and generally improve clarity.

10. Policy DS7: Provision of charging points

As elsewhere, to future proof the policy to replace the reference to the ‘NPPF (2023)’ with reference more generally to ‘national policy’. No other amends recommended.

EDDC Officer comment: Agree, for longevity, especially given the new Government is currently preparing a revised NPPF.

11. Policy DS8: Provision and use of renewable energy

Add a new paragraph at the end of the policy which states:

“Development proposals for such schemes should be designed to ensure that there is no impact on airport safety and operations.”

EDDC Officer comment: Agree. This addresses valid concerns raised by Exeter Airport on the draft policy.

12. Policy DS9: Community led renewable energy production

Amend the wording in criterion 1, 2, 3 and 5 of the policy so that the second part of the policy reads as follows:

“**Such** schemes should be designed to:

1. **Respect the** scale, form and character **of their location** and or countryside setting;
2. **Ensure that** noise, **lighting**, vibration, views and vistas, shadow flicker, water pollution **and** emissions **do not cause unacceptable harm** on the amenities of local residents and the road network;
3. **Have an acceptable** impact on local biodiversity **ensuring any impacts are appropriately mitigated**;
4. Where appropriate, provide natural screening perimeters and new wildlife habitats;
5. **Ensure that** there is no impact on airport safety and operations.
6. Where appropriate, for livestock farming to continue on the land.”

Also to amend the final paragraph to clarify that when renewable energy developments are no longer in use, sites are to ‘**appropriately restored**’ to be more specific than the draft wording of ‘reinstated’.

EDDC Officer comment: Accept, with minor amendment for accuracy/syntax to replace 'harm on' with 'harm **to**' in clause 2.

13. Policy E1: Supporting a rural economy

Revisions to wording throughout the draft policies clauses for clarity and to give greater control, including addition of a new criterion 5 related to active/sustainable travel.

Policy modified to read:

“Proposals for holiday accommodation **or small-scale** businesses classes (E(c) and E(g)(i) in Zone B (Fig 6), excluding Hill Barton Business Park, will be supported where they:

1. Are proposed on previously developed land or through the conversion of an existing redundant **building**;
2. The building and its proposed use(s) is in keeping with the existing scale and form **of development in its setting**;
3. The building is physically located adjacent to **or is otherwise** well related to an existing building **and or** dwelling;
4. Are **compatible** with the existing countryside **and** landscape setting;
5. **Have suitable access and take every opportunity for encouraging active travel; and**
6. Do not result in adverse impacts to residential amenity, biodiversity or highway safety.

Where proposals involve the conversion of existing buildings, disproportionate extensions **will not be permitted.**”

EDDC Officer comment: Acknowledge that the modifications address some of the concerns raised by Officers regarding the draft policy including to clarify criteria 2; clarify the policy support is for 'small scale' business uses and include a new criterion to make reference to access by sustainable and active means of travel. However, Officers would flag that the policy is more open to opportunities for new build business accommodation and holiday let spaces in a rural area than under the Local Plan and there is a risk of the policy ultimately leading to isolated dwellings in the countryside 'by the backdoor'. However, it is noted the examiner has considered these concerns and concluded that, she did “not consider either policy [E1 or E2] will generate new dwellings unrelated to employment uses in the countryside because of the strict criteria in the policies.” And that, “This can also be managed through the development management process.” The Parish Council have also advised that there are a very limited number of places within the wider rural parts of the parish where proposals could come forward under this policy in compliance with the criteria and reaffirmed their support for it. On balance and given the emerging proposals for a new community in this area under the emerging new Local Plan, Officers consider the Examiner’s recommendations can be accepted.

14. Policy E2: Rural economy: live-work units

Modify the policy title and reference to 'live-work' units throughout the policy and the Plan text to, “Live **and** Work Units” and amend the first 3 bullets of the policy from:

1. “A live-work unit conforms to the following requirement: The residential element can only be occupied in conjunction with the operation of the dedicated working space.
2. Proposals involve the change of use of an existing building and/or on a brownfield site.

3. Proposals for demolition and/or conversion of existing buildings should not entail substantial building beyond the existing footprint, or disproportionate extensions.”

To read:

- “1. The residential element **of the live and work unit will** only be occupied in conjunction with the operation of the dedicated working space; **and**
2. Proposals involve the change of use of an existing building and/or **are located** on a brownfield site.

Proposals for demolition and/or conversion of existing buildings should not entail substantial building beyond the existing footprint, or disproportionate extensions.”

Also, to modify the first 3 site specific requirements in the second part of the policy, to read:

- **Respect the scale and form of existing development** and their countryside setting.
- **Be located** adjacent to, or **be** well-related to, existing dwellings or clusters of dwellings such as Holbrook.
- **Be of a high quality** design **which enhances the immediate setting**, and”

EDDC Officer comment: Similar to E2 above, propose to accept the recommendation, noting that LPA concerns about the policy have been considered by the Examiner, but with limited modifications as a result. In considering the basic conditions, the Examiner has given consideration to general conformity with the strategic policies of the Local Plan, the NPPF and the need to further sustainable development. The Examiner found ‘no reason to restrict support to [conversion of] existing buildings’. However, further to consideration of concerns about the risk of this policy leading to residential development in the countryside ‘by the back door’, the Examiner recommends a modification to “to ensure that the building is occupied for live and work purposes and not one or the other given the ambiguity often associated with this term”, through the recommended amendment in terminology which Officers support.

15. Policy E3: Opportunities for new and/or improved business development in Zone A (Fig 6)

Significant revision to the wording for clarity and to tighten up the criteria/requirements, but without any change to the fundamental purpose and intent, to read as show below. Also, to remove the part of the Old School site from the associated Figure 26 on page 76 of the Plan which now has a dwelling on it.

“Development proposals for new business **and commercial uses** and new and/or improved business development will **usually** be supported at the following locations:

A. Clyst Honiton village locations

1. Home Farm Business Park (Site 1 in Figure 26):
2. Exeter Inn Car Park (Site 2 in Figure 26):
3. Old School Business Park (Site 3 in Figure 26):

subject to:

- a) **any new built development and/or the proposed use must** be in keeping with the scale and form of their setting;

- b) where applicable, **new buildings must** be designed to **respect** the existing village character as identified in the Clyst Honiton Village Character Assessment **and accord with the Design Code**;
- c) residential amenity is not adversely **affected**;
- d) **the provision of satisfactory** off-street parking to avoid businesses using on street parking;
- e) **retention of** the village road **as** a cul-de-sac;
- f) **ensuring** that the level and flow of traffic generated does not adversely impact on the safety and operation of the village road and/ or the highway network;
- g) **demonstration of satisfactory noise conditions including taking the noise from the airport on the site into consideration and implementation of any mitigation measures**;
- h) **the provision of an appropriate flood risk** assessment and **implementation of any** mitigation measures; and
- i) **there would be no adverse impact on airport safety and operations.**

Development proposals for Old School Business Park should seek to retain and reuse the original school building and incorporate this structure's design features into the wider scheme.

B. **Edge of** village locations

Development proposals for new businesses and new and/or improved business development will, in principle, be supported **on appropriate sites immediately** adjacent to the village where:

- i) the proposal is consistent with Strategy 7 in the Local Plan (or its future equivalent);
- ii) ii) the proposal does not impact the cul-de-sac status of the village road;
- iii) a safe highway access is in place and the local highway network is capable of accommodating the forecast increase in traffic, established by a Traffic Assessment; **and**
- iv) criteria c, d, g, h **and i** (above) where appropriate, is met."

EDDC Officer comment: Accept, noting that the modifications pick up on all comments made by Officers on the draft policy, and have improved the control and clarity of the clauses. It is however recommended by way of a minor amend that the term 'new-built' is replaced with 'new-build' in the modification to criteria A.a) as the former would imply pre-existing rather than proposed development.

16. Policy SA1: Slate and Tile Site, York Terrace

This is the only allocation in the plan and is for up to 9 homes. Consideration was given by the Examiner to a full range of issues, including the consequent loss of an active employment site, and on balance, the Examiner has supported this proposal. The examiner has added further/more prescriptive requirements / criteria to ensure the necessary safeguards are put in place to ensure the eventual development is acceptable and meets local needs/circumstances.

The revised policy is recommended to read:

"Land fronting onto York Terrace identified in Figure 39 is allocated for a small development of up to nine dwellings **subject to the following requirements:**

1. Housing to be **smaller units of 1 and 2 bed properties**;
2. **Any scheme should meet local housing needs including through the onsite provision of affordable housing**;
3. **Appropriately detailed assessments should be submitted at the time of any planning application to satisfactorily address issues of contamination, flood risk and noise, particularly from Exeter Airport and the road which set out any mitigation measures and how these will be implemented**;
4. The provision of **a satisfactory level of car parking**;
5. The provision of safe vehicular, pedestrian and cycle access;
6. **The scheme is designed to a high quality that reflects the site's gateway location and position within the village**;
7. **The scheme meets nationally prescribed space standards**;
8. **The site lies within the Zone of Influence for the Exe Estuary SPA and the East Devon Pebblebed Heaths SPA and SAC. All new residential development is required to accord with the requirements set out in the South-East Devon European Site Mitigation Strategy or any successor document.**

EDDC Officer comment: Accept. As commented on at Regulation 16 stage, the loss of an active employment site is regrettable, however there is no outright objection in this particular case noting that the plan makes provision for retention/development of employment uses on other sites and that the Plan Area lies in close proximity to concentrations of employment uses. The desire by the community to enable residents to have greater options to remain living locally, the limited sites available and the opportunity to enhance the appearance of this 'gateway' site to Clyst Honiton is understood. Mitigation will be needed for airport and road noise through the layout and design of the development as flagged in the policy, and this will be managed through the development management process.

17. Policy H1: Self – Build and Custom Build Houses

Fairly minor modifications recommended throughout all parts of the policy for clarity and control, to read:

“Development of self and custom-build dwellings will be **supported**:

1. On single plots where the dwelling is a conversion of an existing building **which would not need significant rebuilding for its new use, or**
2. On single plots in which the new build is in scale with surrounding properties and is located within the plot **of, or adjoins, an existing dwelling and**
3. **Where such development would not harm the distinctive landscape, amenity and environmental qualities within which the plot is located.**

Provision of 10% self-build and custom build dwellings will be **encouraged** on all residential schemes of 30 houses or more, unless superseded by Local or National requirements.

Such provision could be provided through: Serviced plots for self-build and custom build, either on an individual basis or for a duly constituted self-build group (to include a community group).

This policy will not apply to Hill Barton Business Park.”

EDDC Officer comment: The Examiner has made changes that address some of the concerns raised by Officers on the draft policy at Regulation 16 stage. This includes adding a new clause (no. 3) which directly brings criteria into the policy from Local Plan Strategy 7 regarding

development in the countryside. However, this is still considered to be a more permissive policy that potentially supports isolated new-build dwellings in an area of open countryside. In her report, the examiner sets out that her assessment is that the Plan Area as a whole is not isolated given its proximity to Exeter, Cranbrook, the airport and employment sites, the significant growth the surrounding area has seen and the emerging proposals for a new community falling partly within it. In commenting on Officer concerns, the Parish Council have advised they consider that there are a very limited number of locations where this policy could apply and reaffirm their support for it. On balance, Officers propose that the Examiner's recommendation is accepted and would expect that any proposals supported under this policy to be subject to condition or Section 106 obligation to ensure that it is a genuine self-build development.

18. NE1: Landscape and Biodiversity

The policy is recommended to retained in full as drafted but with addition of a new paragraph at the end to read, "Any measures must be made acceptable from an airport safeguarding perspective."

EDDC Officer comment: Agree and note this modification addresses comments of Exeter Airport.

19. Policy NE2: Green Landscaped Corridor

Amend the second paragraph from,

"Other than development requirements associated with maintaining the strategic road network, only minor proposals associated with managing and improving the wildlife corridor will be supported."

To read:

"Development requirements associated with maintaining the strategic road network **are supported. Proposals which improve the management or enhance the wildlife and landscape corridor and the setting of the village are positively encouraged and welcomed.**"

EDDC Officer comment: Agree. The proposed modifications respond to the comments of EDDC Officers on the draft policy.

20. Policy NE3: River Clyst Park

In view of the existing public access arrangements being brought forward over this land under a separate signed section 106 agreement, concerns over allowing wider public use of the land beyond designated PROWs, and objection of the landowner, the Examiner has recommended **deletion of this policy** from the plan and consequential modifications to plan text as a result.

EDDC Officer comment: Accept – removal of this proposal and default to the on-going work to provide public access under the legal agreement is in accordance with the response made by Officers to the Examiner's questions during the course of the examination.

21. Policy NE4: Local Green Spaces

Modifications proposed to:

- remove superfluous wording from the first paragraph stating, “(in accordance with paragraphs 100 and 101 of the NPPF (2021) in Appendix 17:”
- change the last sentence of the policy from, “Inappropriate forms of development within any area of LGS will not be permitted unless justified by very special circumstances.” to, **“Development proposals within the designated local green spaces will be consistent with national policy for Green Belts.”**
- Also, to insert a correct version of the associated map to ensure the areas of designated LGS are shown in full.

EDDC Officer comment: Accept. Noted this varies from amends to LGS policy made through other neighbourhood plan examinations for the same reasons of complying with the NPPF but there is no reason to object.

22. Policy AC1: Parking provision

For sustainability and accuracy, to amend the criteria in the second paragraph of the policy from,

“Development proposals on existing commercial sites which enable the provision of the following are supported:

- further onsite parking spaces, and
- charging facilities (see 7 above)”

To read:

“• further onsite parking spaces **where these are justified by the operational needs of the commercial enterprise and cannot otherwise be met through measures to promote sustainable travel** and

- charging facilities (see 8 above).”

EDDC Officer comment: Agree – the main amendment proposed addresses the comment made by EDDC Officers on the draft policy.

23. Policy AC2: Public realm improvements to Clyst Honiton village road and its road junctions

Add a new bullet point to Policy AC2 that reads: “Measures that facilitate walking and cycling infrastructure and connectivity.”

EDDC Officer comment: Agree – the amendment proposed addresses the comment made by EDDC Officers on the draft policy.

24. Policy AC3: Active Travel Provision

Various modifications proposed throughout to:

- i) Change the opening line of the policy from:

“Development proposals which would provide new and/or would extend and/or improve existing routes for active travel will be supported,”

To read:

“Development proposals which would provide new and/or **enhanced** routes for active travel, **particularly on the routes listed below**, will be supported.”

- ii) Correct the reference in bullet point 1 to refer to Figure 43 rather than Figure 49
- iii) Remove the reference to the NDO in bullet point 3, to say simply “Route No 7”.
- iv) Extend the sentence above the bullets in the second paragraph from:

“Development proposals that contribute to the creation of new links for non-motorised users to the following network of cycle paths and key destinations in the wider region will be particularly welcome.”

To read,

“Otherwise acceptable development proposals that contribute to the creation of new links to the following key destinations will be particularly welcome. These should be multi-use, wherever possible as these provide the most inclusive and accessible opportunities for everyone. Such routes should be designed to allow safe use by all users:”

- v) Clarify the expectation in the third paragraph by modifying the wording from

“Development proposals should provide appropriate and safe access and should link up with existing networks.”

To read,

“Development proposals **must** provide appropriate and safe access **for all users** and should link up with existing networks **wherever practicable**.”

In addition, to substitute the existing figure 55 with the revised version provided by EDDC in response to clarification questions during the examination, changing its title as necessary.

EDDC Officer comment: Agree – the amendments proposed address the comments made by EDDC Officers as well as the Devon Countryside Access Forum on the draft policy, as well as making corrections for accuracy.

Other Recommendations by the Examiner

In addition to the policy changes, the examiner also proposes a range of other amendments, all of which Officers’ support for clarity, accuracy, consistency, brevity and longevity of the Plan.

A number of these are specified in her report as follows:

- Update references to the NPPF as necessary throughout the Plan, including in paragraph one on page 109.

- Delete paragraph 4 on page 43 of the Plan as a consequential amendment to the supporting text, given the modification to Policy C3.
- Update the Design Code to remove all references to the potential future Neighbourhood Development Order (NDO) and to 'draft' policies in the Plan and amend the reference to the code on p.45 of the Plan to correct that it contains 7 codes (and not 6 as currently stated).
- Amend the last sentence of paragraph four on page 58 of the Plan before the quoted content to read: "At a recent EDDC meeting (SPC Oct 4th 2022) the following insert on page 1 of the Committee Report was provided and is a statement read out on behalf of a resident of Cranbrook."
- Add a key to map of business areas (page 69 of the plan).
- Correct typos and incorrect references on pages 67, 70, 99, 102, 110, 130 and 133.
- Update the expectation of EDDC in respect of monitoring of the plan (page 135), from:

"A responsibility for monitoring Neighbourhood Plans also rests with the Local Planning Authority and this function will be carried out by East Devon District Council. To make sure that its plan continues to be effective, Clyst Honiton Parish Council will, however, need to adopt local level monitoring. An example is provided in Appendix 19."

To read:

"At the moment, there is no mandatory monitoring of neighbourhood plans. It is anticipated that East Devon District Council will undertake high level monitoring of neighbourhood plan preparation across the District. The responsibility therefore lies with the Parish Council to undertake monitoring to ensure that its plan continues to be effective. It is anticipated that the District Council will support the Parish Council in this with any support or guidance as required. An example of the monitoring the Parish Council intends to undertake is provided in Appendix 19."

In addition, it is recommended to reduce the vast number of supporting documents and appendices, retaining those are relevant as the Plan proceeds to the next stage. This is left to the discretion of the LPA and Qualifying Body apart from an instruction to append the Design Code to the Plan, and for all other [existing] appendices to become separate supporting documents.

Finally, the Examiner advises that as a result of some modifications, consequential amendments may be required, including changing policy numbering, section headings, amending the contents page, renumbering paragraphs or pages, ensuring that supporting appendices and other documents align with the final version of the Plan and so on. The Examiner considers these to be primarily matters of presentation and recommends a common-sense approach, without specifically itemising all of these modifications in her report. These must include:

- Removing the reference to the safeguarded community space and Policy NE3 in paragraph 4 on page 95 of the Plans
- Amendments to the supporting text of the housing policies on page 99.
- Amendments to paragraph nine on page 100 of the Plan to remove references to the NDO site.