

Report to: Cabinet



Date of Meeting 5 March 2025

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Clyst Honiton Neighbourhood Plan ('the Plan') to be formally 'made'

Report summary:

The Clyst Honiton Neighbourhood Plan has now successfully passed referendum and must be formally 'made' (adopted) by East Devon District Council in order to form part of the development plan.

Is the proposed decision in accordance with:

Budget Yes ☒ No ☐

Policy Framework Yes ☒ No ☐

Recommendation:

- (1) That Committee agree that the Clyst Honiton Neighbourhood Plan be 'made'.
- (2) That Committee note that once made the Plan will carry full weight in the planning decision making process as part of the statutory development plan for this Neighbourhood Plan Area (the majority of the parish of Clyst Honiton).
- (3) That Committee congratulate Clyst Honiton Parish Council and their Neighbourhood Plan Steering Group on this culmination of their hard work in developing the Plan.

Reason for recommendation:

The Plan received a majority 'yes' vote in the neighbourhood area referendum, as required by the Regulations, and there is no substantive reason not to make the Plan. In addition, to recognise the significant work over a number of years by Clyst Honiton Parish Council and dedicated volunteers to prepare the Plan.

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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 Clyst Honiton Parish Neighbourhood Plan has been the subject of significant consultation and engagement with the community, set out in a detailed Consultation Statement. All persons living in the parish have had the opportunity to be engaged in the Plan's production and all persons registered to vote in the area could vote in the referendum.

Climate change Low Impact

Risk: Low Risk; The only reason for the Plan not to be made now is if the Council consider that to do so would be incompatible with any retained EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998. There is a risk that should we take that decision it will be subject to legal challenge and that the Parish Council will feel disenfranchised that their right to produce a Neighbourhood Plan under the Localism Act has been prevented.

Links to background information [The Localism Act](#); [Plain English Guide to the Localism Act](#); [National Planning Policy Framework \(2024\)](#); [Neighbourhood Planning Regulations](#); [Neighbourhood Planning Roadmap Guide](#); [East Devon Neighbourhood Planning webpages](#); [Clyst Honiton Parish Neighbourhood Plan webpage](#); [EDDC SEA/HRA Screening Opinion Report](#); [Strategic Environmental Assessment Report](#); [Habitat Regulations Assessment Report](#); [Clyst Honiton Neighbourhood Plan Examiner's Report](#); [Clyst Honiton Parish Neighbourhood Plan Referendum Version](#)

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

Report in full

1.0 Clyst Honiton Neighbourhood Plan Referendum

1.1 On 23 January 2025, a referendum was held on the Clyst Honiton Neighbourhood Plan at The Old School, Clyst Honiton from 7am to 10pm.

1.2 Voters were asked the following question:

"Do you want East Devon District Council to use the Neighbourhood Plan for Clyst Honiton to help it decide planning applications in the neighbourhood area?"

1.3 The Regulations advise that if more people vote 'yes' than 'no' in the referendum, East Devon District Council should use the Clyst Honiton Neighbourhood Plan to help it decide planning applications in the Clyst Honiton neighbourhood area. The Plan once made (adopted) will then become part of the statutory development plan for the area.

- 1.4 In East Devon, the development plan currently consists of the East Devon Local Plan (2013-2031); the East Devon Villages Plan (adopted 2018); any made Neighbourhood Plan; the Devon Waste Plan (2011-2031); and the Devon Minerals Plan (2011-2033). As Members will be aware, a new Local Plan for East Devon is currently being prepared and is at Regulation 19 stage consultation. Limited weight is now starting to be able to be applied to some of its draft policies, but neighbourhood plans will continue to primarily be tested for general conformity with the adopted Local Plan until such time as it is replaced. As such, the Clyst Honiton Neighbourhood Plan was examined against, and found to be in general conformity with, the adopted Local Plan. It was assessed to meet the 'Basic Conditions' for a neighbourhood plan to be made.
- 1.5 The final results of the Clyst Honiton Neighbourhood Plan referendum are shown below:
- Yes: 71
 - No: 14
 - Voter turnout: 30%
 - In favour: 83.5%
- 1.6 This is a sparsely populated Neighbourhood Area, with an electorate of less than 300 voters. The results show a clear majority of those voting in favour of the Plan, and the level of turnout was also good.
- 1.7 The Cabinet must now consider whether it would be appropriate to make the Plan. Once the Plan is formally made it will carry full weight in the planning decision making process. As part of the development plan, any planning applications in the Clyst Honiton Neighbourhood Area will be judged against the Neighbourhood Plan, as well as policies of East Devon District Council and also the National Planning Policy Framework. In this case, the neighbourhood area is not the entire parish of Clyst Honiton. It includes the vast majority of it, including the village of the same name, but excludes the strategic /major development areas that lie in the parish, including the airport, Skypark, Exeter Business Park, the now Lidl distribution centre and Cranbrook expansion areas.
- 1.8 With regards to implementation of this Plan, it should be noted that the Plan makes an allocation for up to 9 homes at Clyst Honiton village currently occupied by the Slate and Tile business. The intention being to increase the supply of smaller homes (1-2 bed) enabling residents to stay living in the village, as well as to create an enhanced 'gateway' to it. The Plan also seeks to support the continued use and regeneration of various other sites in the village for employment uses and to pave the way for a new community facility to serve the village, which is anticipated to be progressed through a Community Development Order. It should be noted that with the inclusion of an allocation for residential use, the National Planning Policy Framework protects the 'full weight' of the policies in the plan in the determination of applications for a period of 5 years from the date of adoption ('making') in situations where the Local Planning Authority cannot demonstrate a full 5-year housing land supply. This helps to protect the influence that the Plan can have on development, in those circumstance, when otherwise the 'presumption in favour of sustainable development' would apply. Along with this benefit, having a made Plan in place will mean that the Parish Council will receive an enhanced level of CIL (Community Infrastructure Levy) receipts arising from developments in the Plan area, increasing from 15% to 25%.
- 1.9 Overall, effective application of the policies of the Plan once made will ensure that the hard work that has gone into its production will translate into the incorporation of local community expectations and aspirations within the decision-making process. The only reason for the

Plan not to be made now is if Cabinet consider that to do so would be incompatible with any retained EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998.

- 1.10 A Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) Screening Report was prepared by EDDC on the Pre-Submission version of the Plan. This screened out a need for SEA. HRA was screened 'in' and as such the Screening Report included an Appropriate Assessment. This concluded that the modest level of development proposed through the Plan can be appropriately mitigated through existing strategic mitigation in the form of Local Plan Strategic Policy 5 ('Environment') of the East Devon Local Plan, implemented through the Southeast Devon European Site Mitigation Strategy. The statutory bodies were consulted on the Screening Report. The Environment Agency (EA) offered no comments on the screening opinion. Historic England (HE) disagreed indicating in their opinion SEA was needed. Natural England (NE) indicated that significant effects on statutorily designated nature conservation sites or landscapes were unlikely and that significant effects on Habitats sites, either alone or in combination, were unlikely. Ultimately, an Environmental Report (both an SEA and an HRA) dated January 2024 were prepared to inform the neighbourhood plan and submitted with it to the LPA. The SEA report confirms that a Scoping Report was prepared and sent to the statutory consultees.
- 1.11 The Examiner considered the report to be a "comprehensive document that deals with the issues appropriately for the content and level of detail in the Plan". It was published for consultation alongside the submission version of the Plan and submitted along with all other relevant documentation to the independent examination. Similarly, the HRA report includes screening and appropriate assessment for the relevant plan policies. The Report concluded that "...in combination with growth allocated across adjoining authorities, the ... Plan in consideration of the mitigation measures outlined in the overarching East Devon Local Plan, will not result in adverse effects on the integrity of any international designated sites."
- 1.12 The Examiner considered that in his view, in respect of SEA, retained EU obligations have been satisfied, and with regards to HRA, that the prescribed basic conditions are complied with, in that the making of the Plan would not breach the requirements of the Habitat Regulations. Also, in respect of the European Convention on Human Rights, the examiner found nothing in the plan that would suggest any breach or incompatibility with those Convention Rights.
- 1.13 The matters regarding retained EU obligations have therefore been considered during the examination process, where the Examiner has reported being satisfied that the Plan meets these obligations. Officer assessment is that the Council can be satisfied that the Plan meets the legal requirements. There are therefore not considered to be any grounds not to make the Plan.

2.0 Next Steps

- 2.1 Following the decision whether or not to make the Plan, we will produce a decision notice for the Plan. This will detail the decision and reasons for it and where it may be viewed.
- 2.2 The decision notice will be publicised by:
- publishing it on the neighbourhood planning pages of our website;

- by sending a copy to the Plan producer and requesting that they notify those persons who live, work or carry on business in the neighbourhood area to which the Plan relates;
- by notifying the 'consultation bodies' referred to in the consultation statement;
- by advising:
 - adjoining authorities;
 - anyone who asked to be notified of a copy of the decision, and;
 - all those who made representations to us on the plan.

2.3 In conclusion, Members are now asked to approve the recommendation to enable the Plan to be formally 'made', in accordance with this report.

Financial implications:

Central Government grant funding is able to be claimed for Neighbourhood plans that have gone through referendum. This income is to cover examination fees and 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:

Following a majority vote in favour of the plan at referendum the Council must proceed to adopt (or 'make') the plan within 8 weeks of the referendum, unless in doing so it would be incompatible with any retained EU obligation or any of the Convention rights within the meaning of the Human Rights Act 1998. The legal position is that the Council must now 'make' the Neighbourhood Plan as modified. As noted, once it had been made, the Clyst Honiton Neighbourhood Plan will become part of the Development Plan for decision making on planning applications.